

# FEDERAL REGISTER



VOLUME 7

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Washington, Tuesday, January 27, 1942

## The President

### EXECUTIVE ORDER

#### DEFINING ADDITIONAL FUNCTIONS AND DUTIES OF THE WAR PRODUCTION BOARD

By virtue of the authority vested in me by the Constitution and the statutes, as President of the United States and Commander in Chief of the Army and Navy, and for the purpose of assuring the most effective prosecution of war procurement and production, it is hereby ordered as follows:

1. In addition to the responsibilities and duties described in paragraph 2 of Executive Order No. 9024,<sup>1</sup> of January 16, 1942, the Chairman of the War Production Board, with the advice and assistance of the members of the Board, shall:

a. Perform the functions and exercise the powers heretofore vested in the Office of Production Management.

b. Perform the functions and exercise the powers vested in the Supply Priorities and Allocations Board, by Executive Order No. 8942,<sup>2</sup> of November 19, 1941.

c. Perform the functions and exercise the authority vested in the President by Section 120 of the National Defense Act of 1916, (39 Stat. 213).

2. Paragraph 1 of said Executive Order No. 9024 of January 16, 1942, is amended to provide that the Lieutenant General in charge of War Department Production, and the Director of the Labor Division of the War Production Board shall be members of the War Production Board vice the Director General and Associate Director General of the Office of Production Management.

3. The Chairman of the War Production Board may exercise the powers, authority, and discretion conferred upon him by this or any other Order through such officials or agencies and in such manner as he may determine; and his decisions shall be final.

4. The Office of Production Management, established by Executive Order No.

8629<sup>3</sup> of January 7, 1941, is abolished and its personnel, records, property, and funds are transferred to the War Production Board.

5. Executive Order No. 8629, of January 7, 1941, is rescinded, and Executive Order No. 9024, of January 16, 1942, and any other Executive Orders the provisions of which are inconsistent with the provisions of this Order, are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
January 24, 1942.

[No. 9040]

[F. R. Doc. 42-735; Filed, January 26, 1942;  
12:58 p. m.]

### EXECUTIVE ORDER

#### AMENDING EXECUTIVE ORDER NO. 9017 OF JANUARY 12, 1942, TO PROVIDE FOR THE APPOINTMENT OF ASSOCIATE MEMBERS OF THE NATIONAL WAR LABOR BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered that Executive Order No. 9017<sup>1</sup> of January 12, 1942, entitled "Establishment of the National War Labor Board", be, and it is hereby, amended so as to provide for the appointment of associate members of the National War Labor Board. Such associate members shall be authorized to act as Mediators in any labor dispute pursuant to the direction of the Board.

Associate members shall receive compensation and expenses during any period of service in like manner as regular members of the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
January 24, 1942.

[No. 90381]

[F. R. Doc. 42-733; Filed, January 26, 1942;  
12:23 p. m.]

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<sup>1</sup> 7 F.R. 329.

<sup>2</sup> 6 F.R. 5909.

<sup>3</sup> 7 F.R. 237.

<sup>4</sup> 6 F.R. 191.



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#### EXECUTIVE ORDER

##### AUTHORIZING SICK AND REST LEAVE FOR ALIEN EMPLOYEES OF THE PANAMA CANAL AND THE PANAMA RAILROAD COMPANY

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of act July 9, 1937, c. 470, 50 Stat. 487, the Governor of The Panama Canal is hereby authorized to grant, under such regulations as he may prescribe, sick and rest leave to alien employees of The Panama Canal and the Panama Railroad Company who are not entitled to leave privileges under the conditions of employment prescribed by Executive Order No. 1888 of February 2, 1914, as amended by Executive Order No. 2514 of January 15, 1917, and Executive Order No. 3232 of February 20, 1920: *Provided, however,* that the combined sick and rest leave which may be granted to any such alien employee shall not exceed 15 days in any one year, and that such leave shall not be cumulative in excess of 60 days.

Executive Order No. 2993 of November 14, 1918, authorizing the granting of sick leave to alien employees of The Panama Canal and the Panama Railroad Company, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
January 24, 1942.

[No. 9039]

[F. R. Doc. 42-734; Filed, January 26, 1942;  
12:23 p. m.]

#### Rules, Regulations, Orders

##### TITLE 14—CIVIL AVIATION

##### CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 60-51, 60-52 and 60-53, Civil Air Regulations]

##### PART 60—AIR TRAFFIC RULES

##### EMERGENCY REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 8th day of January 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said

Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 15, 1942, Part 60 of the Civil Air Regulations is amended as follows:

1. By adding at the end thereof the following new section:

##### § 60.95 *Emergency regulations.*

§ 60.950 *Definitions.* (a) As used in this section (§ 60.95), the term "aircraft" means all aircraft other than those operated by scheduled air carriers while on their certificated routes, the United States Army or Navy, the Civil Aeronautics Administration or the Civil Aeronautics Board.

(b) As used in this section (§ 60.95) a "designated landing area" is a landing area designated by the Administrator for the landing and take-off of aircraft during the period of national emergency.

(c) As used in this section (§ 60.95) a "local flying area" is an area adjacent to a designated landing area, including any channel leading thereto, which has been set aside by the Administrator, or his authorized representative, for local flying and a "local flight" is a flight wholly within such area.

(d) As used in this section (§ 60.95) a "vital defense area" is an area set aside by the Secretary of War, or the Administrator upon the request or approval of the Secretary of War, within which the operation of aircraft is prohibited or is authorized only subject to prescribed conditions.

(e) As used in this section (§ 60.95) a "zone of military operations" is an area designated as such by the Secretary of War, or the Administrator upon the request or with the approval of the Secretary of War.

§ 60.951 *Flight rules.* (a) Except upon the prior approval of the Administrator, or his authorized representative, no person shall (1) take off any aircraft from a place other than a designated landing area, or (2) land any aircraft at any place other than a designated landing area except where such landing is caused by unforeseeable circumstances beyond the control of such person in which event the pilot of the aircraft shall make a report to the Administrator or his designee at the landing area to which he was cleared as soon as possible, and in no case more than 24 hours after such landing, setting forth fully the reasons therefor.

(b) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, he shall have submitted to the Administrator or a person designated by him at such landing area, sufficient information to identify adequately the pilot, occupants, and the aircraft, and to describe the route, duration, nature, and purpose of the proposed flight: *Provided,* That if a continuous series of local flights with the same occupants in the airplane is contemplated, such information need be submitted only once for such series.

(c) No person shall take off any aircraft from a designated landing area un-

less, immediately prior to such take-off, he shall have secured a clearance for take-off, issued in accordance with this section, from the Administrator or a person designated by him: *Provided*, That one clearance only need be secured for a continuous series of local flights with the same occupants in the airplane. No clearance shall be granted (1) unless the applicant for clearance demonstrates to the Administrator, or person designated by him, that the applicant is the holder of a currently effective pilot certificate and, after January 8, 1942, presents the identification card required by § 60.322, (2) unless the route proposed to be flown by the applicant permits compliance with § 60.951 (h) with respect to vital defense areas and zones of military operation, (3) unless the aircraft proposed to be flown is equipped with functioning two-way radio if the flight is other than a local flight, and (4) unless the issuance of such clearance is consistent with instructions issued by the Civil Aeronautics Administration: *Provided*, That with the special permission of the Administrator, or a person designated by him for this purpose, a flight may be cleared to operate in daylight in accordance with daylight contact flight rules beyond the local flying area of the landing area from which take-off is made notwithstanding that the aircraft flown is not equipped with functioning two-way radio. No clearance under this section shall be deemed to authorize the violation of any regulation.

(d) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, if the flight be to another landing area and requires operation into or within a vital defense area or a zone of military operations, he shall have transmitted to such landing area, through the person granting clearance, a message by telephone or telegraph identifying the aircraft to be flown and stating the estimated time of arrival: *Provided*, That this requirement need not be met if a flight plan has been filed with Airway Traffic Control for the flight.

(e) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, he shall have familiarized himself with all available current flight information relating to the area proposed to be traversed on his flight.

(f) Immediately after landing an aircraft upon a designated landing area, the pilot of such aircraft shall submit to the Administrator, or person designated by him at such landing area, a copy of his clearance and such other information as may be required: *Provided*, That if a series of local flights is being made with the same occupants in the aircraft, such information need be submitted only after the final landing in such series.

(g) Immediately after landing upon a designated landing area after a flight from another designated landing area which involved operation into or within a vital defense area or zone of military operation, the pilot shall transmit to the landing area from which he was cleared for the flight, through the Administrator's designee at the landing area on

which the landing was made, a message by telephone or telegraph identifying the aircraft flown and stating the time of arrival: *Provided*, That this requirement need not be met if a flight plan has been filed for the flight with Airway Traffic Control.

(h) No person shall operate an aircraft otherwise than in accordance with the description of the flight submitted to the Administrator or his designee at the landing area from which take-off was made, except in case of emergency in which event the pilot of the aircraft shall make a report to the Administrator, or his designee at the landing area of departure or arrival, as soon as possible after such deviation, describing the deviation and setting forth fully the reasons therefor.

(i) No person shall operate aircraft into or within a vital defense area or zone of military operations otherwise than in accordance with the conditions specified for such operation.

(j) No person shall leave an aircraft unattended under circumstances which would permit its operation by an unauthorized person without rendering the aircraft incapable of operation in a manner consistent with any instructions issued by the Administrator for this purpose.

§ 60.952 *Aircraft basing.* (a) No person shall base an aircraft at any place within the United States other than a designated landing area without first obtaining specific permission from the Administrator issued upon such conditions as he deems necessary.

(b) Immediately upon basing at a designated landing area, the owner of an aircraft shall submit to the Administrator or person designated by him at such landing area sufficient information to identify the aircraft, its owner, and the last previous base. In the event that the aircraft is to be absent from its base at any time for more than 72 hours, the owner shall submit to the Administrator's designee at such base such information as may be necessary to permit him to locate the aircraft promptly in case of necessity. Prior to changing the base, the owner of an aircraft shall notify the Administrator or his designee at his present base of his intention, stating the name and location of the landing area to which the aircraft is to be transferred.

§ 60.953 *Landing area rules.* (a) Every designated landing area shall provide means by which all available current flight information bearing upon flights from the landing area may be secured by persons operating aircraft on the landing area.

(b) Every designated landing area shall maintain adequate records of landings and take-offs in accordance with § 60.951 (b) and (f) and shall furnish such reports, summaries of operations, and records as may be required by the Administrator. Any authorized representative of the Army, Navy, Civil Aeronautics Administration or Civil Aeronautics Board shall be permitted to inspect the landing area and have access to all records, buildings, and equipment.

(c) The Administrator may, at any time, cancel the designation of a landing

area if he deems such action necessary to the public safety or in the interest of national defense.

§ 60.954 *False statements and alteration of documents.* No person shall forge, counterfeit, alter, or mutilate any record or document required by or pursuant to this section (§ 60.95) or make any false or misleading statements of information required by or pursuant to this section (§ 60.95).

2. By adding at the end of the table of contents the following:

60.95 Emergency regulations.

3. By striking § 60.3305.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-732; Filed, January 26, 1942;  
11:51 a. m.]

## CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 1 of Part 601]

### PART 601<sup>1</sup>—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

#### DESIGNATION OF RADIO FIXES<sup>2</sup>

JANUARY 19, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.4 to read as follows:

§ 601.4 *Radio fix designation.* The following locations are designated as radio fixes:

§ 601.4001 *Green civil airway No. 1 (U. S.-Canadian border to Danforth, Maine.).* Millinocket, Maine, radio range station.

§ 601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Easton, Wash., radio marker station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Belgrade, Mont., radio range station; Livingston, Mont., radio range station.

<sup>1</sup> The headnote for Part 601, appearing at 7 F.R. 378, is corrected as indicated above.

<sup>2</sup> For a list of radio fixes see *Air Navigation Radio Aids*, published periodically by the Administrator.

tion; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; Golva, N. Dak., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich., fan type radio marker station; or the intersection of the center lines of the on course signals of the north leg of Detroit, Mich., (Wayne County Airport) radio range and the east leg of the Lansing, Mich., radio range; Detroit, Mich., (Wayne County Airport), radio range station; Buffalo, N. Y., radio range station; the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the southwest leg of the Rochester, N. Y. radio range; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the east leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range; Boston, Mass., radio range station.

§ 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Buffalo Valley, Nev., radio range station; Elko, Nev., radio range station; Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyoming, radio range station; Rock Springs, Wyo., radio range station; Wamsutter, Wyo., radio range station; Parco, Wyo., radio range station; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Iowa City, Iowa, radio range station; Moline, Ill., radio range station; Newark, Ill., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Chicago, Ill., radio range and the east leg of the Moline, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; McCool, Ind., fan type radio marker station, or the McCool, Ind., radio marker station; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range

station; the intersection of the center lines of the on course signals of the east leg of the Cleveland, Ohio, radio range and the northeast leg of the Akron, Ohio, radio range; Mercer, Pa., radio range station; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Bellefonte, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York (New York, LaGuardia Field) radio range; the intersection of the center lines of the on course signals of the southeast leg of the Newark, N. J., radio range and the southwest leg of the New York, N. Y. (New York, LaGuardia Field) radio range; New York, N. Y. (New York, LaGuardia Field) radio range station.

§ 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range; or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; the intersection of the center lines of the on course signals of the west leg of the Daggett, Calif., radio range and the north leg of the Riverside, Calif., radio range; Daggett, Calif., radio range station; Kingman, Ariz., radio range station; the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; the intersection of the center lines of the on course signals of the south leg of the Hutchinson, Kans., radio range and the southwest leg of the Wichita, Kans., radio range; Wichita, Kans., radio range station; the Cassody, Kans., radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Hutchinson, Kans., radio range and the northeast leg of the Wichita, Kans., radio range; Lebo, Kans., radio range station; Desota, Kans., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; New Florence, Mo., radio marker station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Dayton, Ohio, radio range station; the intersection of the center lines of the on

course signals of the north leg of the Dayton, Ohio, radio range and the west leg of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Cambridge, Ohio, radio marker station; Hickory, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the southeast leg of the Akron, Ohio, radio range; Pittsburgh, Pa., radio range station; New Alexandria, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Summerhill, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Bucktown, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Allentown, Pa., radio range; Boothwyn fan type radio marker station or the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station.

§ 601.4005 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.).* Los Angeles, Calif., radio range station; La Habra, Calif., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Los Angeles, Calif., radio range, and the northeast leg of the Long Beach, Calif., radio range; Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the north leg of the Indio, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; Tucson, Ariz., radio range station; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; the intersection of the center lines of the on course signals of the west leg of the Fort Worth, Tex., radio range and the northwest leg of the Waco, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fort Worth, Tex., radio range and the north leg of the Dallas, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the southwest leg of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station; Memphis, Tenn., radio range station; Fisherville, Tenn., fan type radio marker station; or the intersection of the center lines of the on course signals of the north-

west leg of the Muscle Shoals, Ala., radio range and the northeast leg of the Memphis, Tenn., radio range; Jacks Creek, Tenn., radio range station; Fairview, Tenn., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Nashville, Tenn., radio range and the northeast leg of the Muscle Shoals, Ala., radio range; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Chattanooga, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Bristol, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Roanoke, Va., radio range and the northwest leg of the Lynchburg, Va., radio range; Gordonsville, Va., radio range station; Mason Springs, Md., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; Washington, D. C., radio range station.

§ 601.4006 *Green civil airway No. 6 (Corpus Christi, Tex., to Richmond, Va.).* Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the Arcola, Texas, fan type radio marker station or the intersection of the center lines of the on course signals of the east leg of the Yoakum, Tex., radio range and the southwest leg of the Houston, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Atlanta, Ga., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Greensboro, N. C., radio range and the north leg of the Charlotte, N. C., radio range; Greensboro, N. C., radio range station; South Boston, Va., radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Greensboro, N. C., radio range and the southeast leg of the Lynchburg, Va., radio range; Richmond, Va., radio range station.

§ 601.4011 *Amber civil airway No. 1 (San Diego, Calif., to U. S.-Canadian border.).* San Diego, Calif., radio range station; Oceanside, Calif., fan type radio marker station, or the intersection of the center lines of the on course signals of the northwest leg of the San Diego, Calif., radio range and the southeast leg of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Modesto, Calif., radio range station; Williams, Calif., radio range station; Red

Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station.

§ 601.4012 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian border).* Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Mormon Mesa, Nev., radio range station; Enterprise, Nev., radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Tintic, Utah, radio range station; Riverton, Utah, fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Tintic, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range, and the southwest leg of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station.

§ 601.4013 *Amber civil airway No. 3 (El Paso, Texas, to Great Falls, Mont.).* The Harrington Ranch, fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the El Paso, Tex., radio range and the south leg of the Engle, N. Mex., radio range; Engle, N. Mex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Otto, N. Mex., radio range and the southwest leg of the Las Vegas, N. Mex., radio range; Las Vegas, N. Mex., radio range station; Maxwell, N. Mex., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, N. Mex., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

§ 601.4015 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* Tylertown, Miss., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; the intersection of the center lines of the on course signals of the north leg of the St. Louis, Mo., radio range and the southwest leg of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station.

§ 601.4016 *Amber civil airway No. 6 (Jacksonville, Fla., to U. S.-Canadian border.).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the southwest leg of the Smiths Grove, Ky., radio range; Smiths Grove, Ky., radio range station; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station; the intersection of the center lines of the on course signals of the Northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range; Hayesville, Ohio, radio marker station; Erie, Pa., ra-

the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Corpus Christi, Tex., radio range; the Losoya, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Yoakum, Tex., radio range and the southeast leg of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the southeast leg of the Wichita Falls, Tex., radio range; Marietta, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Oklahoma City, radio range and the southwest leg of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Chanute, Kansas, radio range and the northwest leg of the Tulsa, Okla., radio range; Chanute, Kans., radio range station; St. Joseph, Missouri, radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

§ 601.4017 *Amber civil airway No. 7 (Milwaukee, Wis., to St. Louis, Mo.).* Milwaukee, Wis., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Milwaukee, Wis., radio range and the southwest leg of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station.

§ 601.4018 *Amber civil airway No. 8 (Milwaukee, Wis., to St. Paul, Minn.).* Milwaukee, Wis., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Milwaukee, Wis., radio range and the southwest leg of the St. Paul, Minn., radio range; St. Paul, Minn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Milwaukee, Wis., radio range and the southwest leg of the Minneapolis, Minn., radio range; Minneapolis, Minn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Milwaukee, Wis., radio range and the southwest leg of the St. Paul, Minn., radio range; St. Paul, Minn., radio range station.

dio range station; Dunkirk, N. Y., radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Erie, Pa., radio range and the southwest leg of the Buffalo, N. Y., radio range.

§ 601.4017 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* Key West, Fla., radio range station; Miami, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; Baltimore, Md., radio range station; Newark, N. J., radio range station; Port Chester, N. Y., fan type radio marker station, or the intersection of the center lines of the on course signals of the south leg of the New Hackensack, N. Y., radio range and the northeast leg of the Newark, N. J., radio range; Hartford, Conn., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Augusta, Maine, radio range and the southwest leg of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Bangor, Maine, radio range, and the southwest leg of the Millinocket, Maine, radio range; Presque Isle, Maine, radio range station; Caribou, Maine, radio range station.

§ 601.40201 *Red civil airway No. 1 (Portland, Oreg., to Salt Lake City, Utah).* The intersection of the center lines of the on course signals of the northeast leg of the Northdales, Wash., radio range and the west leg of the Arlington, Oreg., radio range; Arlington, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station; Locomotive Springs, Utah, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Locomotive Springs, Utah, radio range and the west leg of the Ogden, Utah, radio range.

§ 601.40202 *Red civil airway No. 2 (Whitehall, Mont., to Belgrade, Mont.).* No radio fix designation.

§ 601.40203 *Red civil airway No. 3 (Philadelphia, Pa., to New York, N. Y.).* No radio fix designation.

§ 601.40204 *Red civil airway No. 4 (Dallas, Tex., to Shreveport, La.).* Tyler, Tex., radio range station.

§ 601.40205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to Minneapolis, Minn.).* The intersection of the center lines of the on course signals of the south leg of the Willmar, Minnesota, radio range and the northeast leg of the Sioux Falls, S. Dak., radio range.

§ 601.40206 *Red civil airway No. 6 (Parco, Wyo., to Grand Island, Nebr.).* Laramie, Wyo., radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station.

§ 601.40207 *Red civil airway No. 7 (Spartanburg, S. C., to Greensboro,*

*N. C.).* Charlotte, N. C., radio range station.

§ 601.40208 *Red civil airway No. 8 (Concord, N. H., to Portland, Maine.).* Concord, N. H., radio range station.

§ 601.40209 *Red civil airway No. 9 (Tallahassee, Fla., to Alma, Ga.).* No radio fix designation.

§ 601.40210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* The intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northwest leg of the Clarendon, Tex., radio range; Clarendon, Tex., radio range station; Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Dallas, Tex., radio range and the northwest leg of the Tyler, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Columbia, S. C., radio range and the northwest leg of the Charleston, S. C., radio range.

§ 601.40211 *Red civil airway No. 11 (Tulsa, Okla., to St. Louis, Mo.).* Neosho, Mo., radio range station; Springfield, Mo., radio range station; Spring Bluff, Mo., radio range station.

§ 601.40212 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.).* Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; the intersection of the center lines of the on course signals of the north leg of the Peoria, Illinois, radio range and the southwest leg of the Chicago, Ill., radio range; South Bend, Ind., radio range station; the intersection of the center lines of the on course signals of the south leg of the Lansing, Mich., radio range and the west leg of the Detroit, Mich. (Wayne County Airport), radio range.

§ 601.40213 *Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.).* The intersection of the center lines of the on course signals of the south leg of the Westfield, Mass., radio range and the northwest leg of the Hartford, Conn., radio range; Providence, R. I., radio range station.

§ 601.40214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* Rockford, Ill., radio range station; Lafayette, Ind., radio range station.

§ 601.40215 *Red civil airway No. 15 (Las Vegas, Nev., to Phoenix, Ariz.).* No radio fix designation.

§ 601.40216 *Red civil airway No. 16 (Augusta, Ga., to Charleston, S. C.).* Columbia, S. C., radio range station.

§ 601.40217 *Red civil airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.).* No radio fix designation.

§ 601.40218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Huntington, W. Va., radio range

station; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 601.40219 *Red civil airway No. 19 (Dayton, Ohio, to Grand Rapids, Mich.).* Fort Wayne, Ind., radio range station; the intersection of the center lines of the on course signals of the east leg of the Goshen, Ind., radio range and the northwest leg of the Fort Wayne, Ind., radio range; the intersection of the center lines of the on course signals of the north leg of the Goshen, Ind., radio range and the east leg of the South Bend, Ind., radio range.

§ 601.40220 *Red civil airway No. 20 (Detroit, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; Scottsdale, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Bucktown, Pa., radio range, and the southeast leg of the Pittsburgh, Pa., radio range; the intersection of the center lines of the on course signals of the south leg of the Bucktown, Pa., radio range and the southeast leg of the Pittsburgh, Pa., radio range; Martinburg, W. Va., radio range station; Herndon, Va., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range and the northwest leg of the Washington, D. C., radio range.

§ 601.40221 *Red civil airway No. 21 (Detroit, Mich., to Woodward, Pa.).* The intersection of the center lines of the on course signals of the southeast leg of the Detroit, Mich. (Wayne County Airport), radio range and the east leg of the Toledo, Ohio, radio range; the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and the northwest leg of the Akron, Ohio, radio range; the intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Mercer, Pa., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Bucktown, Pa., radio range.

§ 601.40222 *Red civil airway No. 22 (Roanoke, Va., to Gordonsville, Va.).* Lynchburg, Va., radio range station.

§ 601.40223 *Red civil airway No. 23 (Buffalo, N. Y., to New York, N. Y.).* The East Pembroke, N. Y. fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Bualo, N. Y., radio range and the northwest leg of the Elmira, New York, radio range; Elmira, N. Y., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Elmira, N. Y., radio range and the south leg of the Syracuse, N. Y., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Allentown, Pa., radio range and the northwest leg of the New York, N. Y. (New York, LaGuardia Field), radio range; the intersection of the center lines of the on course signals of the

northeast leg of the Newark, N. J., radio range and the northwest leg of the New York, N. Y., (New York, LaGuardia Field) radio range.

§ 601.40224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.). The intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northeast leg of the Clarendon, Tex., radio range; the intersection of the center lines of the on course signals of the west leg of the Oklahoma City, Okla., radio range and the southeast leg of the Gage, Oklahoma, radio range.

§ 601.40225 Red civil airway No. 25 (Daytona Beach, Fla., to Miami, Fla.). Orlando, Fla., radio range station; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station.

§ 601.40226 Red civil airway No. 26 (New York, N. Y., to Syracuse, N. Y.). No radio fix designation.

§ 601.40227 Red civil airway No. 27 (Dayton, Ohio, to Detroit, Mich.). No radio fix designation.

§ 601.40228 Red civil airway No. 28 (Chicago, Ill., to Grand Rapids, Mich.). The Bangor, Mich., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Chicago, Ill., radio range and the southwest leg of the Grand Rapids, Mich., radio range.

§ 601.40229 Red civil airway No. 29 (Baltimore, Md., to Elmira, N. Y.). Williamsport, Pa., radio range station.

§ 601.40230 Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.). Crestview, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Crestview, Fla., radio range and the northwest leg of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station.

§ 601.40231 Red civil airway No. 31 (Huron, S. Dak., to Minneapolis, Minn.). Watertown, S. Dak., radio range station; Willmar, Minn., radio range station; the intersection of the center lines of the on course signals of the east leg of the Willmar, Minn., radio range and the northwest leg of the Minneapolis, Minn., radio range.

§ 601.40232 Red civil airway No. 32 (San Antonio, Tex., to Houston, Tex.). Yoakum, Tex., radio range station.

§ 601.40233 Red civil airway No. 33 (Harrisburg, Pa., to New York, N. Y.). No radio fix designation.

§ 601.40234 Red civil airway No. 34 (Raleigh, N. C., to Pulaski, Va.). No radio fix designation.

§ 601.40301 Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.). Walla Walla, Wash., radio range station.

§ 601.40302 Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.). The intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Bristol, Tenn., radio range and the south leg of the Charleston, W. Va., radio range.

§ 601.40303 Blue civil airway No. 3 (Memphis, Tenn., to Tampa, Fla.). Muscle Shoals, Ala., radio range station;

the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range; Dothan, Ala., radio range station; the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range.

§ 601.40304 Blue civil airway No. 4 (Boston, Mass., to Rouses Point, N. Y.). The intersection of the center lines of the on course signals of the southeast leg of the Burlington, Vt., radio range and the southwest leg of the Montpelier, Vt., radio range; Burlington, Vt., radio range station.

§ 601.40305 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.). Galveston, Tex., radio range station; Navasota, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Waco, Tex., radio range and the south leg of the Dallas, Tex., radio range.

§ 601.40306 Blue civil airway No. 6 (Abilene, Tex., to Oklahoma City, Okla.). The intersection of the center lines of the on course signals of the northeast leg of the Wichita Falls, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range.

§ 601.40307 Blue civil airway No. 7 (Springfield, Ill., to Morse, Illinois). Peoria, Ill., radio range station.

§ 601.40308 Blue civil airway No. 8 (Fargo, N. Dak., to U. S.-Canadian border). Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 601.40309 Blue civil airway No. 9 (Columbia, Mo., to LaCrosse, Wis.). The intersection of the center lines of the on course signals of the northwest leg of the Kirksville, Mo., radio range and the south leg of the Des Moines, Iowa, radio range; the intersection of the center lines of the on course signals of the north leg of the Des Moines, Iowa, radio range, and the southwest leg of the LaCrosse, Wis., radio range.

§ 601.40310 Blue civil airway No. 10 (Modesto, Calif., to Williams, Calif.). The intersection of the center lines of the on course signals of the southeast leg of the Sacramento, Calif., radio range and the northwest leg of the Modesto, Calif., radio range.

§ 601.40311 Blue civil airway No. 11 (Muscle Shoals, Ala., to Nashville, Tenn.). No radio fix designation.

§ 601.40312 Blue civil airway No. 12 (Northdalles, Wash., to Ellensburg, Wash.). Northdalles, Wash., radio range station; Yakima, Wash., radio range station.

§ 601.40313 Blue civil airway No. 13 (Lake Charles, La., to Texarkana, Ark.). The intersection of the center lines of the on course signals of the north leg of the Lake Charles, La., radio range and the southeast leg of the Shreveport, La., radio range; the intersection of the cen-

ter lines of the on course signals of the northwest leg of the Shreveport, La., radio range and the southwest leg of the Texarkana, Ark., radio range.

§ 601.40314 Blue civil airway No. 14 (Riverside, Calif., to Bakersfield, Calif.). The intersection of the center lines of the on course signals of the north leg of the Riverside, Calif., radio range and the southeast leg of the Palmdale, Calif., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, Calif., radio range and the southeast leg of the Bakersfield, Calif., radio range.

§ 601.40315 Blue civil airway No. 15 (Columbus, Ohio, to Erie, Pa.). The North Springfield, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Akron, Ohio, radio range and the southwest leg of the Erie, Pa., radio range.

§ 601.40316 Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.). Butte, Mont., radio range station.

§ 601.40317 Blue civil airway No. 17 (Blithe, Calif., to Kingman, Ariz.). Needles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Needles, Calif., radio range, and the west leg of the Kingman, Ariz., radio range.

§ 601.40318 Blue civil airway No. 18 (Newark, N. J., to Burlington, Vt.). New Hackensack, N. Y., radio range station.

§ 601.40319 Blue civil airway No. 19 (Orlando, Fla., to Melbourne, Fla.). No radio fix designation.

The foregoing designations shall become effective, and all other designations of radio fixes heretofore made shall be repealed at 00:01, E. S. T., January 20, 1942.

CHARLES I. STANTON,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 42-705; Filed January 24, 1942;  
11:14 a. m.]

## TITLE 30—MINERAL RESOURCES

### CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 335]

#### PART 308—REPORTS AND RECORDS

AN ORDER PROVISIONALLY RELIEVING CODE MEMBERS FROM CERTAIN REQUIREMENTS OF §§ 308.15-308.19 IN PART 308 WITH RESPECT TO TRANSACTIONS DESCRIBED HEREIN

Section 308.15 of Part 308 requires each code member, and others, to make and file with the Division an invoice or other memorandum evidencing each sale, consignment, shipment, movement, or transfer of bituminous coal, and §§ 308.16-308.19 in Part 308 require that certain specific information respecting such transactions be filed with such invoices or memoranda.

These requirements are applicable to all transactions where the coal is shipped from the mine, except when shipment is made by truck. (Truck shipments are governed by § 308.12, and § 308.8.) They apply whether or not the coal shipped

✓ 67.2133, 2985.

from the mine has been exempted from the provisions of section 4 of the Act, by order of the Division or by automatic temporary exemption pursuant to section 4-A of the Act.

Several code members have requested that they be relieved from such requirements with respect to transactions hereinafter described, and especially with respect to such of those shipments where invoices are not rendered in the producer's ordinary accounting procedure. As to such transactions, there appears to be no need for the making and filing of detailed invoices or memoranda, and the Acting Director is of the opinion that the Division's purposes would be served if general reports, such as those required from non-code members by § 308.10, were filed with respect to the hereinafter described transactions, in lieu of the invoices or memoranda required by §§ 308.15-308.19.

Now, therefore, it is ordered, That § 308.15 (a) is supplemented by adding thereto the following:

§ 308.15 *Invoices, other memoranda, etc.; shipments via rail or water from mines, storage facilities, docks, etc.—(a) Invoices, debit, credit, or other memoranda and copies of journal entries.*

(4) In lieu of the invoices or other memoranda required to be filed by §§ 308.15-308.19, with respect to the transactions hereinafter described, code members may file monthly summaries of such transactions setting forth therein the same information as is required from non-code members by § 308.10. For this purpose, code members may report such transactions on and in conformity with Form B. C. D. No. 351, (prescribed for non-code members), provided a proper notation is made thereon indicating that said form is being used by the code member as authorized by this Section, or such report may be made on any other convenient form, if the information called for on Form B. C. D. No. 351 is reported.

Such monthly report shall be filed with the Statistical Bureau of the Division for the district in which the coal is produced, for each mine from which any of the said coal shall be shipped, within twenty days after the end of the reporting calendar month.

The transactions which may be reported as provided by the terms of this Order, in lieu of filing the detailed information required by §§ 308.15-308.19 are as follows:

(i) Coal shipped, transferred, or consigned from the mine to the producer of such coal when no sale of, or no transfer in title to, the coal has been made or will be made, and the coal is intended for use by the producer thereof in any business, facility, operation or other enterprise, owned, operated or maintained by the producer. (In such case, the consumer shall be designated as "Self.")

(ii) Coal shipped, transferred, or consigned from the mine to a corporation

or other entity which is wholly owned by, or which wholly owns, the producing company, or where the corporation or other entity, to which the coal is consigned or shipped, and the producer are under common ownership, and when the coal is intended for use in any business, facility, operation or other enterprise owned, operated or maintained by the said corporation or other entity to which the coal is shipped, transferred or consigned. (In such case, the consumer shall be designated by name, and the code member producer shall file with the Division a list of such affiliated corporations or entities, setting forth the exact nature of the affiliation between the producer and the consumer.)

(iii) In cases where the relationship between the producer and the consumer is not within the relationships described in (i) and (ii) above, and the transactions between the producer and the consumer are, for other reasons, deemed by the producer to be not at arms' length, code members may make application to the Division for permission to report such transactions in accordance with the terms of this Order, and such permission may be granted by the Division in appropriate cases.

Except as herein otherwise provided the provisions of §§ 308.15-308.19 are in full force and effect. This section does not, in any respect, amend or modify §§ 308.8-308.10, and the reports required by said §§ 308.8 and 308.9 (Forms B. C. D. No. 349 and B. C. D. No. 350) must be filed in conformity with and at the places designated in said §§ 308.8 and 308.9. (Sec. 2 (a), 4 II (a), 4 II (g) and 10 (a); 50 Stat. 72, 77, 81, 88; 15 U.S.C. Sup. 829 (a), 833 (a), 833 (g), 840 (a))

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-717; Filed, January 26, 1942;  
11:01 a. m.]

[Docket No. A-1205]

PART 321—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION  
OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR THE COALS OF  
CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in the shipping point for the coals of W. F. and A. A. O'Donnell Mine, Mine Index No. 2979, and the Fox Mine, Mine Index No. 2989; and

It appearing that a reasonable showing of necessity has been made for the

granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.*

*It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the W. F. and A. A. O'Donnell Mine, Mine Index No. 2979, of W. F. and A. A. O'Donnell (W. F. O'Donnell), for rail shipments, shall be applicable only for shipment on the Erie Railroad from Blossburg, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 130 shall be applicable to all shipments of the coals of the W. F. and A. A. O'Donnell Mine, Mine Index No. 2979, of W. F. and A. A. O'Donnell (W. F. O'Donnell), from Blossburg, Pennsylvania.*

*It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fox Mine, Mine Index No. 2989, of Rimmersburg Coal Mining Company, Inc., for rail shipments, shall be applicable only for shipment on the Pennsylvania Railroad from Rimmersburg, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 90, shall be applicable to all shipments of the coals of the Fox Mine, Mine Index No. 2989 of Rimmersburg Coal Mining Company, Inc., from Rimmersburg, Pennsylvania.*

*It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.*

*It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.*

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.



[Docket No. A-1206]  
**PART 321—MINIMUM PRICE SCHEDULE,  
 DISTRICT NO. 1**  
**ORDER GRANTING TEMPORARY RELIEF AND  
 CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF  
 DISTRICT BOARD NO. 1 FOR THE ESTABLISH-  
 MENT OF PRICE CLASSIFICATIONS AND MINI-  
 MUM PRICES FOR THE COALS OF CERTAIN  
 MINES IN DISTRICT NO. 1**  
 An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this

Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify temporary relief herein granted may be

filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 13, 1942.  
 [SEAL]  
 DAN H. WHEELER,  
 Acting Director.

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight or origin group No.	1	2	3	4	5
3275	Antes, C. L.	Beaumer Coal Mining Co. (Bene D. Beaumer)			Alates #2	D.	PRR	45	100	100	100	100
3277		Miller Run #6E	7	E	Grampian, Pa.	PRR	50	100	100	100	100	
3278	Bowens, W. A., Jr.	Drummond	6	D	Hastings, Pa.	PRR	112	100	100	100	100	
3279	Cowles, David	Crowder	14	D & E	Walston, Pa.	B&O	45	100	100	100	100	
3284		Crowder	11	E	Osewola Mills, Pa.	PRR	112	100	100	100	100	
3285	Frederick Corporation	Flitshaw #30	44	B	Sheldots, Pa.	B&O	108	100	100	100	100	
3286	Johnstown Coal & Coke Co. (Del) v/o C. T. McCormick	Manor #5	13	A	Vindex, Md.	W. Md.	44	100	100	100	100	
3100	Kerr, Frederick B., Receiver of Boardman Coal Mining Co.	Boardman #4	4	B	Boardman, Pa.	NYC	75	100	100	100	100	
3279	Kerr, Frederick B., Receiver of Boardman Coal Mining Co.	New Bethlehem #1	4	D	New Bethlehem, Pa.	PRR	75	100	100	100	100	
3280	Potomac Big Vein Georges Creek Coal Co., The	New Bethlehem #2	4	E	New Bethlehem, Pa.	PRR	75	100	100	100	100	
3281	Potomac Big Vein Georges Creek Coal Co., The	New Bethlehem #3	4	R	New Bethlehem, Pa.	C&P	66	100	100	100	100	
3282	Potomac Big Vein Georges Creek Coal Co., The	Potomac B.	43	E	Barton, Md.	P&S	119	100	100	100	100	
3283	White, Samuel J.	White.	10	B	Colver, Pa.	P&S	119	100	100	100	100	
3284	Williams, J. M.	Williams #1.	5		Staunton, Va.	E						

<sup>1</sup>Indicates no classifications effective for these size groups.

Note: If coals of Minus Index Nos. 3279, 3280 and 3281, of The Potomac Big Vein Georges Creek Coal Co. are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification.





[Docket No. A-1049]

PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above matter on October 17, 1941, 6 F.R. 5672, establishing a minimum price, for truck shipments, of \$2.20 per net ton for coals in Size Group 23 produced from certain mines in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and a minimum price, for truck shipments, of \$2.10 per net ton for coals in Size Group 23 produced from certain mines in the Pratt and Corona Seams in Walker County, Alabama, and a minimum price for truck shipments of \$1.80 per net ton for coals in Size Group 23 produced from certain mines in the American Seam in Walker County, Alabama.

By Order of the Director dated October 17, 1941, 6 F.R. 5837, in Docket No. A-504, a minimum price of \$2.25 per net ton was established, for truck shipments, for the coals in Size Group 23 of all mines in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and a minimum price of \$2.20 per net ton, for truck shipments, for the coals in Size Group 23 of all mines in the Pratt, Corona, and American Seams in Walker County, Alabama.

It appears that the minimum prices established in this proceeding for coals in Size Group 23, for truck shipments, produced from certain mines in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and for coals in Size Group 23, for truck shipments, produced from certain mines in the Pratt, Corona, and American Seams in Walker County are improper and should be the same as those established in Docket No. A-504 for analogous coals.

It further appears that it is necessary to make such changes immediately in order to maintain the fair competitive opportunities of all code members in District No. 13.

Now, therefore, it is ordered. That commencing fifteen (15) days from the date hereof, Supplement T-I, § 333.34 (General prices in cents per net ton for shipment into all market areas) in the Order of October 17, 1941, in the above-entitled matter (Docket No. A-1049) is amended as follows:

A minimum price of \$2.25 per net ton is hereby established for truck shipments of the coals in Size Group 23 of all mines listed in such Order operating in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and the minimum prices established in the Order of October 17, 1941, herein for coals in Size Group 23 produced at such mines are hereby rescinded; and

A minimum price of \$2.20 per net ton is hereby established for truck shipments of the coals in Size Group 23 of all mines listed in such Order operating in the Pratt, Corona, and American Seams in Walker County, Alabama, and the minimum prices established in the Order of October 17, 1941, herein for coals in Size Group 23 produced at such mines are hereby rescinded.

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 22, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-692; Filed, January 23, 1942;  
11:00 a. m.]

[Docket No. A-1261]

PART 338—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 18

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF FERRO AND TROSSELLO, A CODE MEMBER IN DISTRICT NO. 18, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 14 AND 15, OF THE FERRO MINE (MINE INDEX NO. 139) FOR SHIPMENT BY TRUCK

An original petition, pursuant to section 4 (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals in Size Groups 14 and 15, for shipment by truck, of the Ferro Mine (Mine Index No. 139) in District No. 18; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered. That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 338.21 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 18 for Truck Shipments is supplemented to include for the coals, for shipment by truck, produced from the Ferro Mine (Mine Index No. 139) in Sub-

district 9 in District No. 18 of code member Chas. J. Ferro and M. P. Trossello, the following price classifications and minimum prices f. o. b. the mine in cents per net ton:

Size groups.....	14	15
Prices.....	350	325

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-716; Filed, January 26, 1942;  
11:02 a. m.]

## TITLE 32—NATIONAL DEFENSE

## CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

## SUBCHAPTER B—PRIORITIES DIVISION

## PART 921—ALUMINUM

## Conservation Order—Supplementary Order No. M-1-e

Whereas national defense requirements have created a shortage of aluminum; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply in the interest of national defense;

Now, therefore, it is ordered. That:

§ 921.7 Supplementary Order M-1-e—  
(a) Definitions. For the purposes of this Order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum, in ingot or similar raw form or in the form of finished or semi-finished parts, assemblies or products of any kind.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Use aluminum in manufacture" means to fabricate, melt, cast, extrude, forge, turn, spin, produce or process in any other way, to assemble or incorporate in assemblies or other products, or to consume or otherwise use in the course of manufacture, any Aluminum; but does not include the installation of a finished product or repair part for the ultimate consumer.

(b) Use of aluminum prohibited except in the manufacture of items, or for the

uses, specified. No Person shall Use Aluminum in Manufacture except in production of the items (and the necessary material therefor), or for the uses, specified below, and then only where the use of alternate material is impracticable:

(1) *Anhydrous aluminum chloride.* *Provided,* That the customer certifies in writing to the manufacturer that such chloride will be used in the production of dyes for defense textiles, or in the production of high-octane gasoline, tear gas, nylon, or pharmaceuticals. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(2) *Chemical processing equipment for use in manufacturing plants.* *Provided,* That the customer certifies in writing to the manufacturer that chemical action makes the use of other material impracticable.

(3) *Commercial aircraft.* *Provided,* That the customer certifies to the manufacturer that such aircraft are being produced in the fulfillment of orders bearing A-10 or higher priority ratings.

(4) *Containers for intravenous solutions and blood.*

(5) *Fixed electrolytic and paper condensers, excluding cans.* *Provided,* That the customer certifies in writing to the manufacturer that such condensers will not be used in new radio receiving sets. They may be used to replace defective condensers in existing radio receiving sets.

(6) *Match plates, patterns and snap flasks.* *Provided,* That the customer certifies in writing to the manufacturer that they will be used as an aid to manufacture where light weight and strength are essential in production in the fulfillment of orders bearing priority ratings higher than A-2. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(7) *Orthopedic equipment.* *Provided,* That light weight is vital to the operation of the equipment.

(8) *Pistons for engines of trucks (1½ tons or over), heavy duty tractors, diesel engines, and engines in portable fire-fighting equipment.* Only low-grade Aluminum which has not been debased shall be used for this purpose.

(9) *Repair and maintenance parts for mechanical or electrical equipment used domestically or in industry.* *Provided,* That the manufacturer certifies in writing to the Office of Production Management, Ref: M-1-e, that parts made of other material cannot be used and that an equivalent weight of similar defective Aluminum parts has been returned by the ultimate consumer and disposed of as provided in Supplementary Order M-1-d. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(10) *Welding rods.*

(11) *X-ray tube housings.*

(12) *Steel industry.* Aluminum may be used as a de-oxidizer or alloying agent in the manufacture of steel. The total amount so used during any month shall not exceed .03 of 1% by weight of the amount of carbon steel, and .1 of 1% by weight of the amount of alloy steel, produced during such month. Also, the amount used in deep drawing steel shall

in no case exceed .1 of 1% by weight of any such steel produced. Only low-grade Aluminum which has not been debased may be used for de-oxidizing purposes.

(13) *Thermit reaction.* Aluminum may be used in the manufacture of thermit powders and ferroalloys where and to the extent that the use of any other material is not possible.

(14) *Manufacture of zinc base alloy.* Aluminum may be used in the manufacture of zinc base alloy but only to the extent of 2% by weight of the amount of zinc base alloy produced during any month. Only low-grade Aluminum which has not been debased may be used for this purpose.

(15) *Manufacture of other alloys.* Aluminum may be used in the manufacture of other alloys, but the amount so used in any month shall not exceed 12% by weight of the amount of such alloys produced during such month. Only low-grade Aluminum which has not been debased may be used for this purpose.

(c) *General exception.* The prohibitions and restrictions contained in (b) above shall not apply to the Use of Aluminum in the Manufacture of any item (or the necessary material therefor) which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office for Scientific Research and Development, or any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lease-Lend Act), if, but only if, in any such case, the use of Aluminum to the extent employed is required by the specifications of the prime contract.

(d) *Limited exemption for uses of aluminum in manufacture specifically authorized.* Notwithstanding the provisions of (b) above, Aluminum, which has been or is received pursuant to an allocation or other specific authorization issued by the Director of Priorities subsequent to October 31, 1941, and prior to the effective date of this Order, may be Used in Manufacture for the particular purpose so authorized.

(e) *Relief.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Aluminum conserved, or that compliance with this Order would disrupt and impair a program of conversion from non-defense to defense work, may appeal to the Office of Production Management, Ref: M-1-e. Such appeal shall be made by letter, marked "Appeal. Ref: M-1-e," identifying the answers to the following points by number corresponding to the numbers specified as follows:

(1) Applicant's name, address, and general type of business.

(2) Quantity, form, grade, and specific alloy of Aluminum covered by appeal, valued at \$-----

(3) Whether he has the Aluminum on hand, from whom and when obtained, or his prospective source of supply and when delivery is required.

(4) If the applicant has pending or intends to file application for other material for the same part or use for which the Aluminum is required, list for such application:

- (i) Name of supplier.
- (ii) Name and description of material.
- (iii) Name and date of application.

(5) The part to be fabricated out of, or other use to be made of the Aluminum by the applicant, and the promised delivery date, and value.

(6) If a preference rating has been assigned to the part, state the preference rating, certificate number, and identify the contract or order and the customer.

(7) The product into which such part will be incorporated and the end use to be made thereof, by others.

(8) The reasons in detail why alternate material cannot be used; identifying any Government specification which may be involved;

(9) Total amount of Aluminum on hand, and the amount of Aluminum on hand of the particular type covered by appeal;

(10) Specific substitutions for Aluminum accomplished to date, the amount of Aluminum saved per month with relation to former consumption, further substitutions and savings in prospect and when to be made effective; and results of contact with the Bureau of Industrial Conservation of the Office of Production Management;

(11) (i) Total number of workers and total number of man hours worked in the last full week preceding the date of appeal;

(ii) Number of man hours, in total, that would be furnished by use of material covered by the appeal, and that could not be furnished if appeal is denied.

The granting of any appeal shall constitute sufficient authorization for the use of Aluminum in question.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941,

6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941; 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session.

Issued this 23rd day of January, 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-721; Filed, January 26, 1942;  
11:27 a. m.]

PART 1026—PRODUCTION OF CHEMICALS;  
MAINTENANCE, REPAIR AND OPERATING  
SUPPLIES

Preference Rating Order P-89

*Preference Rating Order.* For the purpose of facilitating the acquisition of Materials, in the public interest and to promote the national defense, for the Maintenance, Repair and Operation of plants and equipment used by Producers of Chemicals, preference ratings are hereby assigned to deliveries of such Materials on the terms hereinafter set forth.

§ 1026.1 *Preference Rating Order P-89*—(a) *Definitions.* For the purposes of this Order:

(1) "Producer" means any person (provided he shall have received a serial number from the Chemicals Branch, Office of Production Management, in accordance with the provisions of paragraph (d) (1) hereof) operating a plant physically situated within the limits of the United States, its territories and possessions, and actually engaged in the production of chemicals.

(2) "Material for Repair, Maintenance and Operation" means Material (including any commodity, equipment, accessories, parts, assemblies, or products of any kind) which is generally carried as Producer's stores and charged to operating expense accounts and which is required for repair or maintenance of the Producer's plant, or operating supplies, consumed in the production of chemicals, in the amounts required to sustain the Producer's level of operation.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material for Repair, Maintenance and Operation.

(4) "Maintenance" means the minimum upkeep necessary to continue the working condition of the Producer's plant at its present rate of production.

(5) "Repair" means the restoration of the Producer's plant to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made it unfit or unsafe for service.

(b) *Assignment of preference rating.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any Person shall

be entitled by reason of any other preference rating certificate or Order:

(1) A-1-a to deliveries to the Producer of Material for Repair when and only when there has been an actual breakdown or suspension of operations in the Plant;

(2) A-1-c to deliveries to the Producer of Material for Repair up to the minimum required to make reasonable advance provision to avert an immediately threatened breakdown or suspension of operations in the Plant;

(3) A-3 to deliveries to the Producer, of other Material for Repair, Maintenance or Operation;

(4) A-3 to deliveries, to a Supplier, of any Material for Repair, Maintenance or Operation which is to be delivered by him or by another Supplier to the Producer under a rating assigned above, or which will be used within the limitations of paragraph (e) to replace in a Supplier's inventory Materials so delivered.

(c) *Persons entitled to apply preference rating.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) the Producer;

(2) any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (f).

(d) *Restrictions upon application of ratings by the producer.* (1) A Producer shall not apply any preference rating assigned by paragraph (b) until (i) he shall have filed with the Chemicals Branch, Office of Production Management, a statement in the form prescribed by said Branch, setting forth, among other things, amounts of Material used for Repair, Maintenance and Operation for the first six months of the calendar year 1941, inventories of such Material on December 31, 1940, and on June 30, 1941, and further stating that he accepts the terms and conditions of this Order.

(ii) he shall have received from the Chemicals Branch, Office of Production Management, a Serial number which shall thereafter be endorsed on all purchase orders or contracts for Material by him or for his account which are rated pursuant to this Order.

(2) The Producer shall not apply any preference rating assigned by (b) (1) or (2) above to deliveries of Material to replace other Material withdrawn from his inventory or stores for Maintenance, Repair, or Operation.

(3) The Producer shall not apply any preference rating assigned by (b) (3) above if, in view of the current rate of consumption of his inventory and stores for Repair and Maintenance or Operation, the delivery of the Material to be rated would increase such inventory or stores above the minimum permitted as provided in (g) below.

(4) The Producer shall not apply any preference rating hereunder unless the Material to be delivered cannot be secured when required without such rating.

(5) The Producer shall not apply any preference rating hereunder to obtain scarce Material, the use of which can be eliminated without serious loss of efficiency by the substitution of less scarce Material or by simplification of design.

(e) *Restrictions upon application of ratings by the supplier.* (1) No Supplier shall extend any preference rating hereunder assigned by (b) (1), (2), or (3) above. A Supplier may extend the preference rating hereunder assigned by (b) (4) above under the following conditions:

(i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may, in restoring his inventory to a practicable working minimum defer applications of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Application of preference rating.* (1) The Producer or any Supplier, in order to apply a preference rating assigned hereunder to deliveries to him must (i) furnish one copy of Preference Rating Order No. P-89 with the attached form of acceptance thereof unsigned, to each of his Suppliers with whom he places a contract or purchase order for Material to the delivery of which he elects to apply the preference rating. After one such copy, regardless of Serial Number, has been furnished to a particular Supplier, no additional copy need be furnished to that Supplier to cover any subsequent application of any preference rating assigned hereunder; and

(ii) Endorse on each purchase order or contract which is covered by the rating assigned hereunder, a statement in the following form, manually signed by an

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official duly authorized for such purpose, specifying the rating assigned and the appropriate Serial Number or Numbers:

Preference Rating A----- is applied hereto under Preference Rating Order No. P-89, Serial No.(s) -----, with the terms of which Order the undersigned is familiar.

(Name of Producer or Supplier)  
By -----  
(Duly Authorized Official)

(2) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may (within the limitations of paragraph (e) hereof) include in a single purchase order or contract any or all of the Material which he in turn requires to make such rated deliveries, but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him and to fill which he is applying the preference rating.

(3) In addition to the foregoing requirements, the Producer shall not apply any preference rating assigned by (b) (1) or (2) above unless he shall have communicated with the Office of Production Management, Ref: P-89, describing the Material needed for Repair, the facilities involved, the nature of the emergency, and shall have received from the Director of Priorities a specific authorization to apply such rating. Such application for authorization may be made by telegram.

(4) In addition to the foregoing requirements, a Supplier (but not a Producer), before he first applies the preference rating assigned hereunder to deliveries to him, must accept Preference Rating Order No. P-89, by executing the form of acceptance attached at the end hereof, and file it with the Office of Production Management. No additional acceptance need be filed for any subsequent application of Preference Rating Order No. P-89, regardless of the Serial Number under which or of the name of the Producer to whom it is issued.

(g) *Inventory provisions.* The Producer shall not accept deliveries (whether rated hereunder or not) of Material for Repair and Maintenance or Operation which will increase the inventory or stores available to the Producer for such purposes to an amount greater than the minimum necessary for Repair and Maintenance and to sustain the current level of operations of the Producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(h) *Resale of material prohibited.* Except with specific permission of the Office of Production Management, a Producer shall not resell any Material acquired for Repair, Maintenance or Operating supplies (whether or not obtained pursuant to rating assigned by this Order): *Provided*, That nothing

herein contained shall prohibit sale by the Producer of used material acquired prior to the effective date of this Order.

(i) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Producer and each Supplier, placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(j) *Reports.* The Producer and each Supplier who in any month applies a preference rating assigned hereunder, shall, on or before the 15th day of each month, file on forms to be prescribed hereafter, such reports as may be required by the Office of Production Management. Until further notice, the Producer and each Supplier shall file Form PD-81 (or at his election, Form PD-81-a, accompanied by copies of all endorsed purchase orders or contracts for material to which the preference rating has been applied by him during the preceding month) on or before the 15th day of each month.

(k) *Communications to Office of Production Management.* Acceptances of this Order, all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C., Ref: P-89.

(l) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.

(n) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms or otherwise, and shall cooperate in any program developed for such purpose by the Office of Production Management. The Director of Priorities may from time to time issue specific directions as to conservation, elimination and standardization.

(o) *Relief.* If the sound working condition of a Producer is adversely affected by any provision or application of this Order or by inability to obtain Material essential for Maintenance or Repair, the Producer may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(p) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provision of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(q) *Effective date.* This Order shall take effect on the date specified in the heading hereof, and shall continue in effect until revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January, 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

SUPPLIER'S ACCEPTANCE OF PREFERENCE RATING ORDER NO. P-89—MATERIAL FOR REPAIR, MAINTENANCE, AND OPERATION OF PRODUCERS OF CHEMICALS

(Before signing this acceptance, read carefully the terms of the foregoing Order.)

To: Office of Production Management, Washington, D. C. Ref: P-89.

The undersigned has received a purchase order or contract containing an endorsement in the form provided in Preference Rating Order No. P-89. For the purpose of applying to deliveries to the undersigned the rating assigned by said Order, the undersigned hereby accepts said Order and agrees to be bound by the terms and conditions thereof.

Dated this ----- day of ----- 1942.

-----  
By -----  
Signature of Duly Authorized  
Official

-----  
Title  
-----  
Address of Supplier

(Section 35 (A) of the Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

INSTRUCTIONS

The requirements for furnishing copies of the foregoing Order to Suppliers and for execution of the above form of acceptance by Suppliers are set out in detail in paragraph (f) of the Order. Copies may be obtained for such purpose from the Office of Production Management, Washington, D. C.; or Producers or Suppliers required to furnish the copies may make them by photo-offset or similar photographic process. Such copies must be identical in size and every other re-

spect with the Order and acceptance as issued by the Office of Production Management.

Copies furnished to Suppliers by Producers or other Suppliers, pursuant to the requirements of paragraph (f) of the foregoing Order, should have the form of acceptance left blank for execution by the Suppliers to whom they are furnished.

[F. R. Doc. 42-720; Filed, January 26, 1942; 11:26 a. m.]

#### PART 1053—FATS AND OILS

*Amendment No. 1 to General Preference Order M-71<sup>1</sup> to Conserve the Supply and Direct the Distribution of Fats and Oils*

Section 1053.1 (*General Preference Order M-71*) is hereby amended in the following respects:

(1) Paragraph (b) is hereby amended to read as follows:

*§ 1053.1 General Preference Order M-71.*

(b) *Additional definitions.* For the purposes of this Order:

(1) "Fats and oils" means all the raw, crude and refined fats and oils, their by-products and derivatives, including all fat or oil bearing material, whether vegetable or animal, and greases, except essential oils, mineral oils, butter, cake, meals, hulls and linters.

(2) "Manufacturer" means any person who purchases any fats or oils for use in the manufacture of any finished fat or oil product, other than products produced in the home for home consumption, and shall also include, but solely for the purposes of paragraph (c), all other persons directly controlling or controlled by such person, and all persons under direct or indirect common control with such person, but the term shall not include any person engaged solely in the crushing of any seed, bean, nut or corn, or other vegetable oil bearing material, or any person rendering any fat bearing animal material, except as to any such person's operations which result in the direct production of a finished fat or oil product in the form sold through wholesale or retail channels for individual consumption.

(3) The "Inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery.

(4) The "Finished inventory" of a manufacturer shall include all finished fats and oil products held or controlled by the manufacturer.

(5) "Finished fats and oil products" mean all the products of a manufacturer produced for sale as his finished products and carried on his books as his finished products.

(2) Paragraph (c) is hereby repealed and a new paragraph (c) substituted therefor reading as follows:

(c) *Restrictions on processing and inventories.* (1) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof or except to put such fats or oils into process for the manufacture of his finished fats and oils products, subject to the limitations of paragraph (c). (2) Nothing contained in this paragraph shall be construed to limit the amount of fats and oils which may be held by any manufacturer in his raw materials inventory.

(2) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished fats or oils products and to maintain only a practicable minimum working inventory of such finished fats or oils products. The term, "practicable minimum working inventory" is to be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(3) Paragraph (d) is hereby repealed and a new paragraph (d) is substituted therefor reading as follows:

(d) *Control of stocks of fats and oils.* Control is hereby taken of the distribution and use of fats and oils. Any fat or oil at any time hereafter in the raw materials inventory of any manufacturer, or in the inventory of any other Person, shall be sold and delivered by such manufacturer or other Person as specifically directed in any Order of the Chairman of the War Production Board or the Director of Priorities, which may be issued whenever the Chairman of the War Production Board or the Director of Priorities, as the case may be, shall determine that a shortage of such particular fat or oil for defense, for private account, and for export, renders it necessary or appropriate so to allocate such fat or oil, in the public interest or to promote the national defense, by so directing its sale and delivery by such manufacturer or other Person. Any such sale shall be made at a price determined in accordance with the applicable provisions relating to such specific Orders in the appropriate Price Schedule of the Office of Price Administration. No manufacturer or other Person shall dispose of or use any fats or oils in a manner inconsistent with any such Orders.

(4) Paragraph (e) is hereby repealed.

(5) Paragraph (f) is hereby repealed and a new paragraph (f) is substituted therefor reading as follows:

(f) *Reports.* Every manufacturer or other Person owning any fats or oils shall report to the Office of Production Management his inventories of each such fat or oil, and every manufacturer shall report his inventories of finished fats and oils products, at such times and upon such form or forms as the Director of Priorities or the Chairman of the War Production Board hereafter may prescribe.

(6) Paragraph (j) is hereby amended by striking out the date "January 31, 1942," and substituting therefor the date "July 31, 1942."

(7) This Amendment shall take effect immediately, and shall terminate at the close of business on July 31, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 24th day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-718; Filed, January 26, 1942; 11:26 a. m.]

#### PART 1055—WOOL

*Interpretation No. 1 of Conservation Order No. M-73<sup>1</sup>*

The following official interpretation is hereby issued by the Director of Priorities with respect to § 1055.1 (*Conservation Order M-73*) issued January 3, 1942.

(a) The phrase, "and related fibers" as used in paragraph (e) (5) (i) of Conservation Order No. M-73, means related fibers of a fineness comparable to the fibers from the fleece of a sheep or lamb, or hair of the Angora or Cashmere goat, or camel or of the alpaca, llama, or vicuna. The phrase, therefore, does not include such fibers as common goat hair, Kempy Cape, Cabretta and Djeddah hair, cattle hair, horse hair, or furs.

(b) The phrase, "wools known as carpet wools," as used in the said paragraph (e) (5) (i), shall mean: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorian, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Scotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English bloods; all other wools of whatever blood or origin not finer than 40s; and the hair of the camel.

Issued this 24 day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-719; Filed, January 26, 1942; 11:26 a. m.]

17 F.R. 120.

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

## PART 1334—SUGAR

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 16<sup>1</sup>—RAW CANE SUGARS

Sections 1334.1 and 1334.9 are hereby amended and § 1334.12 is hereby added to read as follows:

**§ 1334.1 Maximum prices for raw cane sugars.** On and after August 14, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as may be provided in a supplement or supplements to this Schedule, no person shall sell, offer to sell, deliver or transfer raw cane sugars to any person, and no person shall buy, offer to buy, or accept delivery of raw cane sugars from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1334.9. These prices are gross prices before discounts of any nature are deducted, and they include all commissions and all other charges.

\* \* \* \* \*

**§ 1334.9 Appendix A; maximum prices for raw cane sugars.** (a) Maximum prices per pound for raw cane sugars from offshore producing areas of 96 degrees polarization duty paid cost and freight basis shall be as follows:

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 3.74 cents.

(2) United States Atlantic ports north of New York, 3.76 cents.

(3) United States Atlantic ports south of Cape Hatteras and United States Gulf of Mexico ports, 3.73 cents.

(4) United States Pacific Coast ports, 3.74 cents less the customary deduction. Such deduction must be submitted to and approved by the Office of Price Administration as to amount before deliveries may be accepted.

(5) In the event that two or more ports of loading shall be used in Cuba, 0.01 cent per pound may be added to the above maximum prices.

(6) With respect to any sale of the sugars included in this paragraph (a) for forward delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at quarantine at the port of destination, except that an annual or other similar long-term contract providing for several deliveries during the term of such contract may employ a method of averaging prices during such term: *Provided*, That (i) the average price for such term does not exceed a price obtained by averaging the maximum prices in effect during such term in accordance with the method employed in such contract; (ii) such contracts customarily were made between the parties thereto and such method of averaging prices was customarily used therein; and (iii) such contracts and evidence of the applicability of this exception thereto are submitted to and approved

by the Office of Price Administration prior to the commission of any act in performance of such contracts.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

(1) The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by deducting from the maximum price duty paid cost and freight basis payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located the transportation charge per pound based on the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is f. o. b. the conveyance for delivery to the refinery from the raw sugar mill. The maximum price delivered to the refinery shall be this maximum raw sugar mill price plus actual transportation charges from said raw sugar mill to the refinery processing such sugar.

(2) With respect to any sale of the sugars included in this paragraph (b):

(i) A contract may provide for averaging the prices during the season in accordance with the customary method: *Provided*, That (a) the average price for the season does not exceed a price obtained by averaging the maximum prices in effect during the season in accordance with such method; and (b) the season used in determining the average price commences not later than the date fixed by the United States Department of Agriculture pursuant to the Sugar Act of 1937, as amended, as the beginning of the sugarcane marketing season and terminates not later than the date fixed by the United States Department of Agriculture pursuant to said Act as the termination of said season.

(ii) A contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at the buyer's warehouse or place of business. In the event that more than one delivery is made pursuant to the same contract, the adjustment of the price and the payment thereof shall be made in respect to each delivery separately.

(c) **Adjustment for polarization:**

The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test.

\* \* \* \* \*

**§ 1334.12 Evasion.** The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of raw

cane sugars, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement, or other trade understanding, or by shifting the incidence of a cost which customarily has been borne by the buyer or the seller to the other party to the contract, or by any other means.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective January 26, 1942.

Issued this 26th day of January 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-730; Filed, January 26, 1942;  
11:46 a. m.]

## PART 1335—CHEMICALS

## PRICE SCHEDULE NO. 76—HIDE GLUE

Hide glue is an essential adhesive used in the production of abrasives, furniture, printing press rollers, paper products, gum tape, rayon and matches. Abrasives produced from hide glue play an important part in the grinding and polishing of metals required in the manufacture of armaments.

As a direct consequence of expanded economic activity induced by the armament program, the demand for hide glue has risen greatly in recent months. In spite of increased production in 1941, there is a shortage of this commodity which is reflected in a sharp reduction in producers' inventories. The price of hide glue (251 gram jelly strength) in bags, carlot quantities, has increased from less than 17¢ per pound at the end of 1940 to 23¢ per pound at the close of 1941. This advance in price is only partly due to increased costs of production. Further price increases are threatened.

A major item in the cost of producing hide glue has recently been stabilized by the issuance of Price Schedule No. 68, establishing maximum prices for hide glue stock, from which hide glue is manufactured.

After investigation and conferences with members of the hide glue industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue to prevent inflationary trends in the prices of hide glue and many other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

**§ 1335.701 Maximum prices for hide glue.** On and after January 28, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue in quantities of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of hide glue in quantities of 100 pounds or more at prices higher than the maximum

<sup>1</sup> 6 F.R. 4063, 4371, 4843, 5469; 7 F.R. 123.

prices set forth in Appendix A, incorporated herein as § 1335.709.\*

\* §§ 1335.701 to 1335.709, inclusive issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.702 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1335.703 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.\*

§ 1335.704 *Records and reports.* (a) Every person making purchases or sales of hide glue in quantities of 100 pounds or more after January 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers of the hide glue purchased or sold.

(b) On or before March 10, 1942, and on or before the 10th day of each month thereafter, every jobber, who during the preceding calendar month has sold hide glue in containers of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affidavit sworn to by such jobber showing for such previous calendar month (1) the aggregate amounts in pounds of his purchases and sales of hide glue; (2) the aggregate amount in pounds of his sales of hide glue for which he charged prices in excess of the maximum prices for sales by producers established by this Schedule; (3) and such other information as the Office of Price Administration shall require.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1335.705 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to com-

ply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1335.706 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.\*

§ 1335.707 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue" means hide glue, including chrome glue and coney glue, of the grades listed in Appendix A hereof;

(c) "Jobber" means a person engaged in the warehousing and reselling of hide glue, but does not include a producer of hide glue, or any person controlled by or under common control with a producer, or a person consuming hide glue in the production of materials other than adhesives.\*

§ 1335.708 *Effective date of the Schedule.* This Schedule shall become effective January 28, 1942.\*

§ 1335.709 *Appendix A; maximum prices for Hide Glue—(a) Carload lots—(1) Hide glue other than chrome glue and coney glue.* The following maximum prices are established for hide glue, other than chrome and coney glue, in carload lots:

[Dollars per pound, delivered]

Grade of hide glue (Jelly test in grams)	Sold by producers		Sold by jobbers	
	Bags (100 lbs. or more)	Barrels	Bags (100 lbs. or more)	Barrels
100-121.....	\$ .14	\$ .145	\$ .16	\$ .165
122-149.....	.15	.155	.17	.175
150-177.....	.16	.165	.185	.19
178-206.....	.17	.175	.195	.20
207-236.....	.18	.185	.205	.21
237-266.....	.19	.195	.22	.225
267-296.....	.20	.205	.225	.23
299-330.....	.21	.215	.235	.24
331-362.....	.22	.225	.25	.255
363-394.....	.23	.235	.26	.265
395-427.....	.24	.245	.27	.275
428-460.....	.25	.255	.28	.285
461-494.....	.26	.265	.29	.295
495-529.....	.27	.275	.305	.31

(2) *Chrome glue and coney glue.* (i) The maximum prices for chrome glue and coney glue (jelly test in grams 267 or higher), in carload lots, are the maximum prices established in sub-para-

graph (1) of this paragraph (a), plus 2¢ per pound.

(ii) The maximum prices for chrome glue and coney glue (jelly test in grams less than 267), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a) plus 1¢ per pound.

(b) *Less than carload lots.* The maximum prices for hide glue, chrome glue and coney glue, in less than carload lots, are the maximum prices established in paragraph (a) above, plus 1¢ per pound.

(c) *Grinding of 30 mesh or finer.* The maximum prices for hide glue, chrome glue and coney glue, when ground to 30 mesh or finer, are the maximum prices established by paragraph (a) or (b) above, whichever the case may be, plus ½¢ per pound.

(d) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 26th day of January 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-729; Filed, January 26, 1942;  
11:46 a. m.]

#### PART 1345—COKE

##### PRICE SCHEDULE NO. 77—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

Maximum prices have already been established for pig iron (Price Schedule No. 10<sup>1</sup>) and iron and steel scrap (Price Schedule No. 4<sup>2</sup>), as well as by-product furnace and foundry coke (Price Schedule No. 29<sup>3</sup>), vital elements of iron and steel costs. In the increased production of iron and steel necessitated by war requirements, beehive oven furnace coke becomes an essential raw material. Without question, the tremendous steel production achieved in 1941 would have been impossible without the greatly expanded use of beehive ovens located principally in Pennsylvania.

With only partial control of coke prices, the bidding of consumers is being diverted from by-product furnace and foundry coke now covered by a ceiling price regulation, with the creation of a constantly increasing pressure on prices of beehive oven furnace coke. A further upward movement of beehive oven furnace coke prices would unquestionably exert undue pressure on the costs and therefore the prices of iron and steel products which constitute the backbone of the war requirements. Prices of beehive oven furnace coke produced in Pennsylvania have risen during the 8-months period from January 1941 to October 1941 approximately 80¢ per ton, or about 15% of the market price. Since October 1, 1941, its price has been maintained with difficulty at \$6.00 per ton f. o. b. cars ovens, Connellsburg, Pennsylvania.

After full investigation and conferences with representatives of the coke industry, it has been determined that the

<sup>1</sup> 6 F.R. 3100.

<sup>2</sup> 6 F.R. 6688, 8766.

<sup>3</sup> 6 F.R. 4821.

establishment at this time of maximum prices for beehive oven furnace coke produced in Pennsylvania is in the interest of our national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* On and after January 26, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania to any consumer, and no consumer shall buy, offer to buy or accept delivery of beehive oven furnace coke produced in Pennsylvania at a delivered price higher than \$6.00 per net ton f. o. b. cars ovens Connellsburg, Pennsylvania, plus the transportation charges from Connellsburg, Pennsylvania, to the place of delivery as customarily computed.\*

\* §§ 1345.51 to 1345.59, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1345.52 *Less than maximum prices.* Lower prices than those set forth in § 1345.51 may be charged, demanded, paid or offered.\*

§ 1345.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of beehive oven furnace coke produced in Pennsylvania, alone or in conjunction with any other material, or by way of any commission, cross-billing, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.\*

§ 1345.54 *Records and reports.* Every person making purchases or sales of beehive oven furnace coke produced in Pennsylvania after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price f. o. b. cars ovens at Connellsburg, Pennsylvania, the price paid or received at the place of delivery and the quantity purchased or sold, and (b) the quantity of beehive oven furnace coke produced in Pennsylvania (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1345.55 *Affirmations of compliance.* On or before February 2, 1942, and on or before the 10th day following each calendar quarter thereafter, every person selling beehive oven furnace coke produced in Pennsylvania shall submit to the Office of Price Administration an affirmation of Compliance on Form 177:1, containing a sworn statement that during such quarter all sales of beehive oven furnace coke produced in Pennsylvania

were made at prices in compliance with this Schedule or with any exceptions thereto or modifications therefrom. Copies of Form 177:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10 1/2" paper, such forms may be prepared by the producer submitting it.\*

§ 1345.56 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of this Price Schedule, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of the price of beehive oven furnace coke produced in Pennsylvania, or of the hoarding or accumulation of unnecessary inventories of such product, are urged to communicate with the Office of Price Administration.\*

§ 1345.57 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 77—Beehive Oven Furnace Coke Produced in Pennsylvania," and shall not be contained in any filing of information or prices required to be filed under this Schedule.\*

§ 1345.58 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Beehive oven furnace coke produced in Pennsylvania" means coke produced in Pennsylvania in beehive ovens and commonly used for smelting in the ferrous and non-ferrous industries, and for other industrial purposes: *Provided*, That foundry coke when used in an iron foundry shall not be deemed beehive oven furnace coke within the meaning of this section.

§ 1345.59 *Effective date of the schedule.* This Schedule shall become effective January 26, 1942.\*

Issued this 26th day of January 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-731; Filed, January 26, 1942;  
11:47 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 1855-FD]

#### IN THE MATTER OF DAVID JOPLING (CODE MEMBER), DEFENDANT

##### NOTICE OF AND ORDER FOR HEARING

A complaint dated August 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 and having been duly filed on August 11, 1941, and an amended complaint dated November 20, 1941, having been duly filed on November 25, 1941, by the Bituminous Coal Producers Board for District No. 12, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint, as amended, be held on March 10, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint, as amended.

Notice is hereby given that answer to the complaint, as amended, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered

shall be deemed to have admitted the allegations of the complaint herein, as amended, and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, as amended, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint, as amended, filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, David Jopling, of Runnels, Iowa, (1) during the period October 1, 1940, to January 31, 1941, both dates inclusive, sold approximately 71.48 tons of 2" x 0 coal (Size Group 8); produced at his Joplin Mine, Mine Index No. 354, located in Polk County, in District No. 12, to the Des Moines Electric Light Company, Des Moines, Iowa, at a truck delivered prices ranging from \$2.26 to \$2.30 per net ton whereas the effective minimum price for said coal was \$1.80 per net ton f. o. b. the mine. The sale and delivery of said coal was at a sales price less than the said effective minimum price, plus an amount at least equal to the actual transportation charges and other incidental handling charges from the transportation facilities at the Joplin Mine, to the point from which all such charges were assumed and directly paid by the purchaser, as set forth in the Schedule of Effective Minimum Prices for District No. 12 For Truck Shipments, and Price Instruction No. 5 as amended and contained in Supplement No. 2 in said Schedule; and (2) during the period February 19, 1941, to July 21, 1941, both dates inclusive, sold approximately 330 tons of 2" x 0 coal (Size Group 8) produced at the above-mentioned mine, to the Des Moines Electric Light Company, Des Moines, Iowa, at a truck delivered price ranging from \$2.00 to \$2.50 per ton, whereas the effective minimum price for said coal was \$2.54 per net ton delivered to said purchaser as provided in the Schedule of Effective Minimum Prices for District No. 12, For Truck Shipments and Price Exception No. 5 of said Schedule, as amended, pursuant to Order Granting Temporary Relief in Docket No. A-69, effective February 4, 1941, and further amended and made permanent by Order of July 1, 1941, in said docket.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-711; Filed, January 26, 1942;  
10:59 a. m.]

IN THE MATTER OF J. W. BENNETT, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal

Act of 1937, having been duly filed on December 8, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

*It is further ordered*, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Watson, Alabama, sold during the period from October 1, 1940, through December 1940 to the Tombrello Coal Company, Inc., Cardiff, Alabama, approximately 839 tons of 1½" x 0 coal produced at his McCormack Mine 13 at a price of \$2.05 per ton delivered to Cardiff, Alabama, although minimum prices, temporary or final, had not been established by the Division for coal produced at that mine, resulting in violations of the Order of the Director entered in Docket No. 19 dated October 9, 1940.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-712; Filed, January 26, 1942;  
10:59 a. m.]

[Docket No. B-41]

IN THE MATTER OF CARL WHITTINGTON,  
CODE MEMBER, DEFENDANT  
ORDER CANCELLING HEARING

This matter having come on for hearing on November 10, 1941 before a duly designated Examiner of the Division at a hearing room thereof at Charleston, West Virginia; and appearance having been entered for the defendant; and the cause having been continued subject to the further Order of the Director; and a Cease and Desist Order having been entered in the above-entitled matter on January 23, 1942, pursuant to the stipulation of the defendant dated November 4, 1941;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be, and the same is hereby cancelled.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-714; Filed, January 26, 1942;  
11:00 a. m.]

[Docket No. B-41]

IN THE MATTER OF CARL WHITTINGTON,  
CODE MEMBER, DEFENDANT  
CEASE AND DESIST ORDER

A complaint, dated September 17, 1941, in the above-entitled matter having been filed with the Bituminous Coal Division (the "Division") pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act") by the Bituminous Coal Producers Board for District No. 8, complainant, alleging that Carl Whittington, the defendant herein, wilfully violated the provisions of the Bituminous Coal Code (the "Code") and the effective minimum prices by selling, delivering and offering to sell, during the period October 1, 1940, to March 1, 1941, both dates inclusive, approximately 130 tons of high volatile Size Group 1, or lump over 2" coal produced by the defendant at his Haynes Mine, Mine Index No. 1429, located in the Tanners Creek Section of Kanawha County, West Virginia, District No. 8, to various persons at prices ranging from \$1.50 to \$2.00 per net ton f. o. b. the said mine, whereas the effective minimum price for such coal was \$2.65 per

net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; and the complaint herein and Notice of and Order for Hearing thereon having been duly served on the defendant on October 10, 1941; and

This matter having come on for hearing on November 10, 1941 before a duly designated Examiner of the Division at a hearing room thereof at Charleston, West Virginia; and

Appearance having been entered for the defendant; and the cause having been continued by said Examiner subject to the further Order of the Director; and

The defendant, by stipulation made November 4, 1941, the original of which is on file with the Division, having admitted the truth of the allegation contained in the complaint herein and the facts set out in said stipulation and having consented to the making and entry of this Order;

*It is hereby found*, That: 1. On July 1, 1938, the defendant filed with the Division his acceptance of the Code dated June 22, 1938. Said acceptance was approved by the Division to take effect as of June 30, 1938, and defendant has been ever since last mentioned date, and is now a code member in District No. 8.

2. The defendant wilfully violated the provisions of the Code and the effective minimum prices established by the Division by offering to sell, selling and delivering 130 tons of high volatile Size Group 1 or lump over 2" coal during the period October 1, 1940, to March 1, 1941, both dates inclusive, produced at his Haynes Mine, Mine Index No. 1429, located in the Tappers Creek Section of Kanawha County, West Virginia, District No. 8, to various persons at prices ranging from \$1.50 to \$2.00 per net ton f. o. b. the mine, whereas this coal is classified as Size Group No. 1 and priced at \$2.65 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Now, therefore, based upon the above findings and the defendant's above stipulation:

*It is ordered*, That the defendant, his representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from violating the Code, rules and regulations promulgated thereunder, and the effective minimum prices established by the Division;

*It is further ordered*, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any circuit where such defendant resides and carries on business for the enforcement hereof; and

*It is further ordered*, That this Order shall not constitute a waiver by or in behalf of any person entitled to file a complaint under Sections 4 II (j) and 5 (b) of the Act, or either of them, or of any right which they or any of them or which the Division may have against the defendant for any penalty or forfeiture

to which the defendant may be subjected by reason of any violation other than those referred to in paragraph 2 of the Findings herein, or a waiver by or in behalf of any code member of any right which he may have against the defendant under Section 5 (d) of the Act in respect to said violations.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-713; Filed, January 26, 1942;  
11:00 a. m.]

#### APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and Address	Date Filed
Fidelity Fuel Co., Inc., 2237 Bryn Mawr Ave., Philadelphia, Pa.	Jan. 14, 1942
Majestic Fu'l Co., 517 Chamber of Commerce Bldg., Indianapolis, Ind.	Jan. 12, 1942
Sebald Grain & Coal Co., Curtis St. & Girard Ave., Middletown, Ohio	Jan. 16, 1942

Any district board, code member, distributor the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before February 24, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-715; Filed, January 26, 1942;  
11:01 a. m.]

#### Office of Indian Affairs.

#### PROCLAMATION CREATING AN INDIAN RESERVATION FOR THE INHABITANTS OF THE NATIVE VILLAGE OF UNALAKLEET, ALASKA

Pursuant to authority vested in the Secretary of the Interior by Section 2 of the Act of May 1, 1936 (49 Stat. 1250), there is reserved and designated as an Indian reservation, for the use and occupancy of the native inhabitants of the Native Village of Unalakleet, Alaska, and vicinity, the following described land, which includes 40 acres previously reserved by Executive Order of March 30, 1901, for educational purposes:

Beginning at a point in the center of the mouth of the Unalakleet River thence following the coast line of Norton Sound in a Northerly direction one (1) mile, thence due east one (1) mile, thence due south two (2) miles, thence due west to the coast line of Norton Sound, thence following the coast

line of Norton Sound in a northerly direction to the mouth of the Unalakleet River and the point of beginning, except all lands claimed by The Evangelical Mission Covenant Church of America. The area described, including public and non-public lands and waters of Unalakleet River, aggregates 870 acres.

*Provided*, That this order shall be subject to any valid existing rights or claims acquired prior to the date hereof, and that said order shall become effective only upon its approval by a majority vote of the natives residing in the above described area, voting in the manner prescribed by the said Section 2 of the Act of May 1, 1936, *supra*.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

DECEMBER 10, 1941.

[F. R. Doc. 42-704; Filed, January 24, 1942;  
11:14 a. m.]

#### DEPARTMENT OF AGRICULTURE.

#### Sugar Division of the Agricultural Adjustment Administration.

#### SUGARCANE WAGE RATES AND PRICES, PUERTO RICO

#### NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that a public hearing will be held at San Juan, Puerto Rico, in the Auditorium of the Ateneo, on February 3, 1942, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1941-42 crop of sugarcane on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1941-42 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane.

Such hearing, after being called to order at the time and place mentioned above, may, for convenience, be adjourned to such other place in the same city as the presiding officers may designate and may be continued from day to day within the discretion of the presiding officers.

G. Laguardia, John C. Bagwell, C. M. Nicholson, and J. B. Frisbie are hereby designated as presiding officers to con-

duct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 24th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-708; Filed, January 24, 1942;  
11:58 a. m.]

#### Surplus Marketing Administration.

**NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING ORDER AND A PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION**

Pursuant to § 900.12 (a), General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk, in the Solicitor's Office of the Department, of this report of the Administrator of the Surplus Marketing Administration of the Department with respect to a proposed marketing order and a proposed marketing agreement regulating the marketing of milk in the Philadelphia, Pennsylvania, milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the **FEDERAL REGISTER**.

#### PART I. HISTORY, ISSUES, AND CONCLUSIONS

This proceeding formally began with a petition, dated September 27, 1941, from the Interstate Milk Producers Cooperative, Inc., asking that the Secretary hold a hearing on proposed provisions of a marketing agreement and order for the Philadelphia, Pennsylvania, area. This formal request had been preceded by informal conferences and an effort on the part of the cooperative to make use of the mediation or arbitration provisions of the Agricultural Marketing Agreement Act of 1937, as amended, to meet the problems of the Philadelphia market.

On September 22, the Pennsylvania Milk Control Commission held a hearing to determine whether or not it should join with the Secretary in holding a hearing. The Commission made no formal order after this hearing, but, subsequent to the Secretary's notice of hearing, gave notice of joining in the hearing which was conducted as a joint hearing throughout.

Notice of hearing was issued, October 10, 1941, and the hearing formally convened October 23, pursuant to the notice.

It then appearing that the Pennsylvania Milk Control Commission had held a hearing for the same area during the previous week, and that a number of witnesses and interested parties among the distributors of milk were out of the city attending their International Convention, the taking testimony started October 28. The hearing proceeded during

the periods October 28–October 31, November 10–November 14, November 17–19, November 28, and December 1–December 5. During the remainder of the elapsed time in the period October 28–December 5, the hearing was recessed. The total elapsed time was 42 days, during which the hearing was in session 18 days and covered 3,110 type-written pages of transcript of testimony, with about 200 separate exhibits.

The hearing was marked by extensive argument. Milk dealers were represented by counsel, all of whom took the position that the Secretary had no jurisdiction to issue an order, and, at the end of the hearing, moved for the dismissal of the petition.

Time for filing briefs was set at the closing of the hearing, to expire at the close of business December 22. The Pennsylvania Milk Control Commission filed a brief in opposition to the initiation of a program by the Secretary for the whole Philadelphia market, but expressed a desire for an order which would regulate that part of the Philadelphia supply originating in States other than Pennsylvania. The brief notified the Department of the approval by the Governor of Order No. A-79, to become effective January 1, 1942. This order is based on the hearing held by the Commission October 15, 1941, and was issued by the Commission November 18, 1941. Each of the groups of milk dealers filed briefs summarizing their positions and arguments against regulation, and the Interstate Milk Producers' Cooperative, Inc., filed an extensive brief urging the granting of its petition.

The underlying issue in this proceeding is whether the Secretary shall issue an order. Directly subordinate to that issue is the question of whether an order should be issued which is concurrent with, displaces, or is complementary to the regulation of the Pennsylvania Milk Control Commission.

It is concluded from the record that an order be issued and a marketing agreement offered to the handlers which will regulate all persons who sell milk in an area prescribed as the Philadelphia marketing area, irrespective of whether such milk originates in the Commonwealth of Pennsylvania or elsewhere. By this means, orderly marketing conditions will be promoted and preserved and the policy of the act be effectuated.

From the conclusion on the overlying issue, several principal issues assume prominence from the record, with respect to the content of the order that might be made by the Secretary as follows:

1. What constitutes the most practical marketing area, and what constitutes its supply of fluid milk which should be regulated?
2. At what level shall minimum class prices be fixed?
3. By what method shall the proceeds of these minimum class prices be distributed to producers?

On these issues, it is concluded from the record as follows:

1. The marketing area should be the city of Philadelphia and contiguous townships into which the residential and urban development runs without inter-

vening rural areas, and that the supply of milk is that delivered by farmers to plants shown to have been the principal sources up to now, unless the plant is later withdrawn by the operator, and any other plant which ships milk for as much as 20 days during a particular month.

2. Parity prices calculated from some part or all of the period August 1919–July 1929, the period for which there is far more information and greater comparability than for the period 1910–1914, are unreasonable in view of present conditions and make it necessary to fix prices, under section 8c (18) of the act, such that farmers will receive a price for milk produced for the fluid milk market sufficient to maintain an adequate quantity of pure and wholesome milk for the market, and be in the public interest.

3. The reserve supplies of milk are sufficiently well proportioned among the handlers of milk so that equity as between farmers and as between handlers may be achieved by requiring such handler to distribute the proceeds of his own utilization of milk among the farmers who supply him, without impeding his drawing upon additional sources of supply occasionally when actually needed.

4. The purchasing power for milk in the Philadelphia, Pennsylvania, marketing area specified in section 2 of the act cannot be satisfactorily determined from available statistics of the Department of Agriculture, but can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1919–July 1929, and that post-war period is the base period used in determining the purchasing power of milk sold in the Philadelphia, Pennsylvania, marketing area.

The proposed marketing order and proposed marketing agreement are recommended as the detailed means by which these conclusions may be carried out.

This report filed at Washington, D. C., the 23d day of January 1942.

[SEAL] E. W. GAUMNITZ,  
Administrator,  
Surplus Marketing Administration.

Approved by:

ROY F. HENDRICKSON,  
Administrator,  
Agricultural Marketing  
Administration.

**PROPOSED MARKETING ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE**

This proposed marketing order is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

#### Findings

It is found upon the evidence introduced at the public hearing held in Philadelphia, Pennsylvania, on October 28 through October 31, November 10 through November 14, November 17

through November 19, November 28, and December 1 through December 5:

1. That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8 (e) of said act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

2. That all handling of milk sold or disposed of by handlers as defined in section 1 (a) (5) of this order is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products, and that handlers as defined in such section are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

3. That the order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held;

4. That a pro rata assessment on handlers as set forth in section 9 of this order at a rate not to exceed two cents per hundredweight on all milk received from producers or an association of producers or produced by them during each delivery period will provide funds necessary to pay such expenses while such order is in effect as will necessarily be incurred by the market administrator under such order for the maintenance and functioning of said market administrator's office.

5. That orderly conditions for milk flowing into the Philadelphia, Pennsylvania, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order, and all of its terms and conditions, will tend to effectuate the declared policy of the act.

#### Provisions

**SECTION 1. Definitions—(a) Terms.** The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "Philadelphia, Pennsylvania, milk marketing area," hereinafter called "the marketing area," means all the territory in the Commonwealth of Pennsylvania which is located within the boundaries of Philadelphia County; of Lower Merion, Whitemarsh, Springfield, Cheltenham, Abington, Upper Moreland, and Lower Moreland townships in Mont-

gomery County; and of Haverford, Ridley, Tinicum, Darby, and Upper Darby townships in Delaware County.

(4) The term "person" includes an individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at (1) a plant listed below except during such period of time as any such plant may have been stopped by the Pennsylvania Department of Health from shipping milk for consumption as milk, or (2) a pasteurizing and bottling plant from which milk is disposed of as Class I milk in the marketing area, or (3) a plant from which milk is shipped during at least 20 days of the delivery period to a plant where some of it is disposed of as Class I milk in the marketing area, determined pursuant to section 3: *Provided, however,* That producers delivering to a plant listed below may be excluded if no milk or cream has been shipped from it to the marketing area during the preceding three delivery periods and if the handler notifies the market administrator five days prior to the start of a delivery period that any such plant is no longer part of his supply for the marketing area and if he disposes of no milk or cream in the marketing area from such plants during the delivery period: *And provided further,* That this definition shall not include any person defined as a producer under an order of the Secretary regulating the handling of milk in the New York metropolitan milk marketing area.

**Plants.** Bedford, Pa., Boiling Springs, Pa., Brandtsville, Pa., Byers, Pa., Carlisle, Pa., Centerville, Pa., Chambersburg, Pa., Clayton, Del., Coudersport, Pa., Curryville, Pa., Delta, Pa., Denton, Md., Easton, Md., Fairdale, Pa., Glenroy, Pa., Goldsboro Md., Goshen, Pa., Hagerstown, Md., Harrington, Del., Honeybrook, Pa., Huntington, Pa., Hurlock, Md., Kelton, Pa., Kimberton, Pa., Lansdale, Pa., Leaman Place, Pa., Lewistown, Pa., Mainland, Pa., Massey, Md., Mercersburg, Pa., Millville, Pa., Mt. Pleasant, Del., Nassau, Del., New Holland, Pa., Oxford, Pa., Port Allegany, Pa., Pottstown, Pa., Princess Anne, Md., Quakertown, Pa., Reedsville, Pa., Richlandtown, Pa., Snow Hill, Md., Spring Creek, Pa., Sudlersville, Md., Townsend, Del., Waynesboro, Pa., Worton, Md.

(6) The term "handler" means any person, irrespective of whether such person is also a producer or association of producers, wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area.

(7) The term "market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

**SEC. 2. Market administrator—(a) Designation.** The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be sub-

ject to removal at the discretion of, the Secretary.

(b) **Powers.** The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(c) **Duties.** The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly disclose to handlers and to producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to section 5 (a), or (b), made payments pursuant to section 8;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(8) Pay, out of the funds provided by section 9 (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Promptly verify the information contained in the reports submitted by handlers.

**SEC. 3. Classification of milk—(a) Basis of classification.** Milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section in accordance with its utilization by such handler, subject to paragraphs (c) and (d) of this section.

(b) **Classes of utilization.** The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk (i) sold, distributed or disposed of as or in milk, including skim milk and flavored milk drinks, containing not more than 16 percent butterfat, and (ii) all other milk received from producers not accounted for as Class II.

(2) Class II milk shall be all milk (i) accounted for in products other than those included in section 3 (b) (1) (i), and (ii) an amount of milk equal to the percentage of the milk received from producers not accounted for in either section 3 (b) (1) (i) or (ii) of this paragraph, but in no case more than two percent, times the pounds of milk accounted for under (i) of this paragraph.

(c) *Transfers of milk.* (1) Milk or skim milk received at a plant from another plant at both of which milk is received from producers shall be classified as Class I milk: *Provided*, That if a different classification is agreed upon in writing between such receiving handler and such selling handler and is submitted to the market administrator, then the milk or skim milk shall be classified according to such written agreement: *And provided further*, That the amount so reported in any class shall not be greater than the amount used in that class by the receiving handler after deduction of any milk pursuant to subparagraph (2) of this paragraph.

(2) Milk received at a plant at which milk is received from producers from a plant at which no milk is received from producers shall be allocated to Class II, except that any of this milk in excess of the amount of Class II milk used by the receiving handler shall be Class I and except as provided in subparagraph (3) of this paragraph.

(3) Milk received at a plant at which milk is received from producers from a plant under another Federal milk marketing agreement or order shall be classified as Class I milk or Class II milk in accordance with its use as determined by the market administrator under the latter order.

(4) Milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers shall be Class II milk if less than 20 percent of the milk received at the latter plant is moved as fluid milk and Class I milk if more than 20 percent of the milk received is moved from the latter plant, except that any of this milk in excess of the amount of fluid milk moved from the latter plant during the delivery period shall be classified as Class II milk: *And provided further*, That all milk moved as fluid milk more than 400 miles under such conditions shall be classified as Class I milk.

(5) Milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(d) *Transfers of cream.* Cream received or disposed of shall be considered Class II.

SEC. 4. *Minimum prices*—(a) *Class prices.* Except as set forth in subparagraph (d) of this section, each handler shall pay, at the time and in the manner set forth in section 8 for milk received during each month from producers or an association of producers not less than the following prices subject to the differentials set forth in paragraphs (b) and (c) of this section:

(1) Class I milk—\$3.70 per hundredweight.

(2) Class II milk—The price per hundredweight calculated by the market administrator as follows: add all weekly market quotations (using midpoint of any weekly range as one quotation) of prices reported during the delivery period by the United States Department of Agriculture for a 40-quart can of sweet cream approved for Pennsylvania only, and for Pennsylvania, Newark, and Lower Merion Township, divide by the number of quotations and divide by 33.48, multiply by 4, subtract 28 cents, and add any plus amount which is equal to the average of all the hot roller process dry skim milk quotations for "other brands, animal feed" and for "other brands, human consumption," carlots, bags, or barrels, in both cases (using midpoint of any range as one quotation) as published during such delivery period in the "Producer's Price Current," less 4.5 cents, and multiply by 7.5.

(b) *Butterfat differential.* The Class I and Class II prices shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent calculated as follows: divide the average of the cream quotations used in calculating the Class II price by 334.8, and subtract 0.7 cent.

(c) *Differentials for place of receipt of milk.* In the case of milk received from producers by any handler at plants 31 miles or more from the City Hall in Philadelphia there shall be deducted from the prices set forth in paragraph (a) of this section the following amounts:

(1) Class I milk—31 cents per hundredweight at plants 31 to 40 miles from the City Hall in Philadelphia and for each additional 10 miles in excess of 40 miles an additional 1 cent, provided the total amount does not exceed 64 cents per hundredweight. For the purposes of this subparagraph the Class I milk shall be considered to have been, first, that milk received from producers' farms at such handler's plant located less than 31 miles from the City Hall in Philadelphia, then that milk which was shipped from the nearest plant located 31 miles and farther from the City Hall in Philadelphia: *And provided*, That Class I milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers, both of which are outside the marketing area and Class I milk distributed for fluid consumption from a plant at which milk is received from producers shall be allocated for the purpose of determining these differentials to the plant at which it is received from producers.

(2) Class II milk—4 cents per hundredweight at plants 31 to 70 miles from the City Hall in Philadelphia, and for each additional 70 miles an additional 1 cent.

The distance of any plant from the City Hall in Philadelphia shall be that recognized by the Interstate Commerce Commission for rate making purposes on highways over which the Highway De-

partment of the State permits milk tank trucks to move.

(d) *Class I milk disposed of outside the marketing area.* The Class I price set forth in this section shall apply to Class I milk sold outside the marketing area: *Provided*, That when sold in an area regulated by another marketing order of the Secretary the price effective under such other order shall apply.

SEC. 5. *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each month each handler, with respect to milk or cream which was, during such delivery period, (1) received from producers, handlers, or other sources; and (ii) produced by such handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by such handler;

(4) The receipts at each plant from any other source;

(5) The respective quantities of milk and milk products disposed of or on hand with the butterfat content thereof; and

(6) The shipments of milk to the marketing area from each plant.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer, (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such milk was received.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each month his producer pay roll for such month which shall show for each producer (i) the net amount of such producer's payment with the prices, deductions, and charges involved, and (ii) the total delivery of milk with the average butterfat test thereof.

(e) *Outside cream purchases.* Each handler shall report as requested by the market administrator his purchases, if any, of sweet cream showing the quan-

tity and source of each such purchase and the cost thereof at Philadelphia.

(f) *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (i) verify the information contained in reports submitted in accordance with this section, and (ii) weigh milk received from each producer and sample and test milk for butterfat.

SEC. 6. *Application of provisions*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except those set forth in section 5, shall not apply to a producer-handler who receives no milk from producers nor to a handler whose sole source of milk supply consists of receipts from other handlers.

SEC. 7. *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of section 6, the value of milk of producers disposed of by each handler, by (a) multiplying the hundredweight of such milk in each class, computed pursuant to section 3, by the prices applicable pursuant to section 4, plus or minus the applicable differentials in section 4; and (b) adding together the resulting values.

(b) *Computation and announcement of uniform price for each handler.* The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk received by him at all plants from producers during each delivery period as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the amount of the adjustment to be made pursuant to section 8 (d), and add or subtract the amount to be subtracted or added respectively, by the handler pursuant to section 8 (e);

(2) Divide the amount computed in paragraph (1) of this subsection by the total quantity of milk received from producers, including milk of his own production;

(3) On or before the 10th day after the end of each delivery period, notify each handler of the uniform price computed for him; and

(4) On or after the 15th day after the end of each delivery period, publicly announce the uniform price computed for each handler pursuant to this section with the differentials applicable pursuant to section 8 (d).

SEC. 8. *Payments for milk*—(a) (1) *Semimonthly payments.* On or before the 25th day of each month each handler shall make a payment to producers for milk delivered during the first 15 days of such month at not less than a rate per hundredweight which he estimates will be his uniform price for such month.

(2) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make full payment, subject to the butterfat differential set forth in paragraph (c) of this section, to each producer, for the total value of milk received from such producer during such delivery period, at not

less than the uniform price per hundredweight computed for such handler pursuant to section 7, subject to the location differentials set forth in paragraph (d) of this section and after taking credit for payment made pursuant to section 8 (a) (1).

(b) *Errors in payment.* Errors in making payments for milk shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to paragraph (a) of this section, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than, \$.04 per hundredweight.

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section, each handler shall deduct, with respect to milk received from producers at a plant located 31 miles or more from the City Hall in Philadelphia, the respective Class I differentials specified in section 4 (c).

(e) *Additional deductions.* With respect to milk received at plants located outside the marketing area but less than 31 miles of the City Hall in Philadelphia, the handler may deduct 15 cents per hundredweight from the payments otherwise specified in this section to be paid. With respect to milk received at plants 31 miles or more from the City Hall in Philadelphia, a handler may deduct from the uniform price otherwise specified in this section to be paid at such plant receiving less than an average of 20,000 pounds per day during the delivery period, an amount not to exceed 6 cents per hundredweight of the milk moved to the marketing area from such plant.

(f) *Flat price payments.* Any handler may in lieu of the requirements of paragraphs (a) and (b) of this section elect to pay producers not later than the 15th day of each month at not less than the per quart equivalent (considering 46.5 quarts per hundredweight) of the Class I price for all milk delivered during the preceding month in which event such handler may report only his total receipts from each producer and his total payment to each producer.

SEC. 9. *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or an association of producers, or produced by him during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator. Each handler, who is a cooperative association of producers shall pay such pro

rata share of expense only on that milk received from producers at any plant of such association.

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

Whereas, the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement.

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of section 1 through section 9 of Order No. \_\_\_\_\_, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Milk Marketing Area, issued \_\_\_\_\_, 1942, shall be the terms and provisions of section 1 through section 9 of the marketing agreement with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement in addition to sections 1 through 9 of said order:

SEC. 10. *Termination.* The Secretary may terminate this agreement whenever he finds that this agreement obstructs or does not tend to effectuate the declared policy of the act.

Any handler signatory to this agreement may withdraw as a party to it upon 30 days' written notice to the Secretary effective at midnight on the last day of the month first succeeding the expiration of such 30 days. Such notice of withdrawal may be given to the Secretary by sending it by postpaid, registered mail addressed to the Secretary of Agriculture, Washington, D. C. Such termination shall not release such handler from any obligations under this agreement in respect of transactions occurring prior to the effective date of withdrawal.

Such handler has signed this agreement on the express condition, and the Secretary agrees and confirms, that the execution of this agreement and compliance therewith and with the order of the Secretary for the period that the agreement remains in effect shall be without prejudice to any and all rights of the handler, and shall not constitute an admission by the handler of the validity of the Agricultural Marketing Agreement Act of 1937 or of the order of the Secretary or any of its terms, or any obligation imposed in connection therewith, or any waiver by such handler or estoppel of his rights to question the validity of the Agricultural Marketing Agreement Act of 1937 or the order of the Secretary or any provision thereof, on any and all grounds; all of which rights are hereby expressly reserved to

any such handler upon and after withdrawal from the agreement with the same force and effect as if the handler had never become party hereto.

This agreement shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 11. *Liability*—(a) *Handlers*. The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

SEC. 12. *Antitrust laws*. Any exemption from the antitrust laws and any validation of any acts or things, which otherwise would have been unlawful, resulting from the execution of this agreement by the Secretary, shall not extend or be construed to extend further than is absolutely necessary for the purpose of carrying out the provisions of this agreement.

SEC. 13. *Duration of immunities*. The benefits, privileges, and immunities conferred by virtue of this agreement shall cease upon its termination, except with respect to acts done under and during the existence of this agreement, and the benefits, privileges, and immunities conferred by this agreement upon any parties signatory hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this agreement.

SEC. 14. *Counterparts and additional parties*—(a) *Counterparts*. This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties*. After this agreement first takes effect, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

SEC. 15. *Authorization to correct typographical errors and record of milk handled during the month of \_\_\_\_\_*  
(a) *Authorization to correct typographical errors*. The undersigned hereby authorizes O. M. Reed, Chief, Dairy Division, Surplus Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement.

(b) *Record of milk handled during the month of \_\_\_\_\_*. The undersigned certifies that he handled during the month of \_\_\_\_\_, hundredweight of milk covered by this agreement and disposed of within the marketing area.

SEC. 16 *Signature of parties*. In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not other-

wise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-703; Filed, January 23, 1942; 3:19 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### APPLICATION FOR EXEMPTION OF PROCURING, HAULING, HANDLING, COOLING, CANDLING, GRADING, PACKING AND SHIPPING OF EGGS IN STATES OF IOWA, MINNESOTA, NORTH DAKOTA, AND SOUTH DAKOTA FROM MAXIMUM HOUR PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938 AS A BRANCH OF AN INDUSTRY AND OF A SEASONAL NATURE

##### NOTICE OF HEARING

Whereas an application has been filed by sundry parties engaged in procuring, hauling, handling, cooling, candling, grading, packing and shipping of eggs in the states of Iowa, Minnesota, North Dakota and South Dakota for exemption of such operations from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry and of a seasonal nature pursuant to section 7(b) (3) of the Act and Part 526 as amended of the Regulations issued thereunder.

Now, therefore, notice is hereby given of a public hearing to be held pursuant to §§ 526.5 and 526.6 of said Regulations at Hotel Nicollet, Minneapolis, Minnesota, to commence at 10 o'clock a. m. on February 10, 1942 before Mr. Marshall S. Spaulding, a duly authorized representative of the Administrator hereby authorized to conduct said hearing, take testimony, hear arguments and determine whether the procuring, hauling, handling, cooling, candling, grading, packing and shipping of eggs in the states of Iowa, Minnesota, North Dakota and South Dakota constitutes a separate branch of the egg industry and is of a seasonal nature within the meaning of section 7(b) (3) of the Act and Part 526 as amended of the Regulations issued thereunder, and if so the appropriate limits of that branch of the industry.

Any person interested in supporting or opposing the application for exemption may appear at the hearing or file a written statement in lieu of personal appearance on his own behalf or on the behalf of any other person or persons. Written statements should be filed with the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C., not later than February 10, 1942, or with the Presiding Officer at the time of the hearing.

Notice of intention to appear and furnish information or data at the hearing should be filed with Mr. L. A. Hill, Regional Director, 406 Pence Building, 730 Hennepin Avenue, Minneapolis, Minnesota, not later than February 9, 1942. Any such notice of intention to appear shall state the following:

1. Name and address of person who will appear,

2. Name and address of person or persons he is representing, and

3. Whether he is appearing in support of or in opposition to the application for exemption.

Signed at Washington, D. C. this 24th day of January 1942.

THOMAS W. HOLLAND,  
Administrator.

[F. R. Doc. 42-728; Filed, January 26, 1942; 11:52 a. m.]

#### NOTICE OF CHANGE IN DATE OF ORAL ARGUMENT IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 32 FOR A MINIMUM WAGE RATE IN THE KNITTED OUTERWEAR INDUSTRY AND THE PROHIBITION, RESTRICTION OR REGULATION OF HOME WORK IN THE INDUSTRY

Whereas, the notice of oral argument upon the complete record of the hearing on the recommendation of Industry Committee No. 32 for a minimum wage rate in the knitted outerwear industry (Wage and Hour Division release R-1711) provided that the Administrator of the Wage and Hour Division would hear oral argument upon the complete record of the hearing on said recommendation on January 28, 1942, at 10:00 A. M. in room 7129, Department of Labor Building, Washington, D. C.; and

Whereas it now appears appropriate to change the date of said hearing;

Now, therefore, notice is hereby given: That oral argument upon the complete record of the hearing on the recommendation of Industry Committee No. 32 for a minimum wage rate in the knitted outerwear industry and the prohibition, restriction or regulation of home work in the industry is changed to February 2, 1942, at 10:00 A. M. in room 7129, Department of Labor Building, 14th Street and Constitution Avenue, Washington, D. C. before the Administrator of the Wage and Hour Division, and oral argument may be presented by any person who entered an appearance at the public hearing held on the recommendation provided that on or before January 31, 1942, such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require to make his presentation.

Signed at Washington, D. C. this 26th day of January 1942.

THOMAS W. HOLLAND,  
Administrator.

[F. R. Doc. 42-727; Filed, January 26, 1942; 11:53 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940,

5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feather Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 26, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

*Single Pants, Shirts, and Allied Garments and Women's Apparel Industries*

Mary Dean Manufacturing Company, 210 West 8th Street, Kansas City, Missouri; Ladies' Slack Suits, Sport Dresses; 10 percent (T); January 26, 1943.

Ely and Walker Factory, Paragould, Arkansas; Work and Dress Shirts; 10 percent (T); January 26, 1943.

Nathan N. Gorchov Company, 146 North 13th Street, Philadelphia, Pennsylvania; Shirts and Pajamas; 10 percent (T); January 26, 1943.

May Shirt Company, Ridgely, Maryland; Shorts, Shirts and Blouses; 40 learners (E); July 26, 1942.

The Powers Manufacturing Company, 1340 Sycamore Street, Waterloo, Iowa; Athletic Wear; 10 percent (T); January 26, 1943.

Puritan Mills, Inc., 330 West Campbell Avenue, Roanoke, Virginia; Nightwear; 10 percent (T); January 26, 1943.

Rite Form Corset Company, Inc., 635 Sixth Avenue, New York, New York; Corselettes, Girdles, Brassieres; 10 percent (T); May 11, 1942.

S & B Manufacturing Company, Andalusia and Brantley, Alabama; Work Pants; 35 learners (E); July 26, 1942.

Wide Awake Shirt Company, Inc., 2047 Kutztown Road, Reading, Pennsylvania; Shirts; 5 percent (T); January 26, 1943.

*Gloves*

C. D. Osborn Company, 2201 Wabansia Avenue, Chicago, Illinois; Leather Dress and Knit Fabric Gloves; 5 percent (T); January 26, 1943.

C. D. Osborn Company, 2201 Wabansia Avenue, Chicago, Illinois; Leather Dress and Knit Fabric Gloves; 25 learners (E); July 26, 1942.

Sonn Gloves, Incorporated, 7 West 30th Street, New York, New York; Knit Fabric Gloves; 5 learners (T); January 26, 1943.

*Hosiery*

Bridgeton Hosiery Mill, E. Commerce Street, Bridgeton, New Jersey; Full Fashioned Hosiery; 5 learners (T); January 26, 1943.

Chancellor Hosiery Mills, Inc., 1110 Mose Street, Reading, Pennsylvania; Seamless Hosiery; 4 learners (T); January 26, 1943.

Gray Line Hosiery Company, Inc., Coldbrook Avenue, Chambersburg, Pennsylvania; Full Fashioned Hosiery; 10 percent (T); January 26, 1943. (This certificate replaces one issued to you bearing expiration date of October 13, 1942.)

Park Hosiery Dyeing and Finishing Company, Inc., Pottstown, Pennsylvania; Finishes Full Fashioned; 5 percent (T); September 26, 1942.

Union Manufacturing Company, Union Point, Georgia; Seamless Hosiery; 10 percent (T); January 26, 1943. (This certificate replaces one issued bearing expiration date of October 9, 1942.)

*Knitted Wear*

Ace Undergarment Company, 255 Clason Avenue, Brooklyn, New York; Knitted Underwear; 2 learners (T); May 11, 1942.

Dover Knitting Mills, Inc., 441 East Second Street, Dover, Ohio; Knitted Outerwear; 35 learners (E); May 25, 1942.

Fae Manufacturing Company, Rear 31 N. Railroad Street, Palmyra, Pennsylvania; Knitted Underwear; 5 learners (T); January 26, 1943.

*Millinery*

Walter Florell, 29 E. 53rd Street, New York, New York; Custom-Made Millinery; 1 learner (T); January 22, 1943. (This certificate effective January 22, 1942 and omitted from FEDERAL REGISTER of that date.)

*Textile*

Kahn and Feldman, Inc., 360 Suydam Street, Brooklyn, New York; Rayon

Throwing; 6 percent (T); January 26, 1943. (This certificate replaces one issued to you bearing expiration date of May 19, 1942.)

Signed at Washington, D. C., this 26th day of January 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-725; Filed, January 26, 1942;  
11:52 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 26, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Oxford Cabinet Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 9 learners; 6 weeks for any one learner; 30 cents per hour; Wood working machine operator, Paint sprayer; April 22, 1942. (Effective 1-22-42)

Oxford Cabinet Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 20 learners; 4 weeks for any one learner; 30 cents per hour; Lumber grader, Cabinet assembler, Sander, Hinger; April 22, 1942. (Effective 1-22-42)

Oxford Furniture Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 7 learners; 6 weeks for any one learner; 30 cents per hour; Paint Sprayer, Wood Working Machine Operator, Sink Builder; April 22, 1942. (Effective 1-22-42 and omitted from FEDERAL REGISTER of that date.)

Oxford Furniture Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 27 learners; 4 weeks for any one learner; 30 cents per hour; Assembler, Sander, Stripper, Upholsterer, Hinger; April 22,

1942. (Effective 1-22-42 and omitted from FEDERAL REGISTER of that date.)

Signed at Washington, D. C., this 26th day of January 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-726; Filed, January 26, 1942;  
11:52 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-218]

IN THE MATTER OF INTERSTATE NATURAL GAS COMPANY, INCORPORATED

#### ORDER POSTPONING HEARING

JANUARY 22, 1942.

It appearing to the Commission that: (a) On January 21, 1942, the Interstate Natural Gas Company, Incorporated, filed an application requesting that the hearing heretofore ordered to be held in this matter commencing on January 26, 1942, at 9:45 a. m., in the hearing room of the Commission at 1800 Pennsylvania Avenue NW., Washington, D. C., be postponed to a later date;

(b) Good cause has been shown for the postponement of such hearing;

The Commission orders that: The hearing in this proceeding be and it is hereby postponed to February 9, 1942, at the same hour and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-702; Filed, January 23, 1942;  
3:09 p. m.]

[Docket No. G-227]

IN THE MATTER OF CABOT GAS CORPORATION

#### ORDER FIXING DATE OF PUBLIC HEARING

JANUARY 23, 1942.

Upon application filed January 21, 1942, by Cabot Gas Corporation, under section 7 (b) of the Natural Gas Act, for permission and approval of the Commission to transfer that portion of its property located in Monroe County, State of New York, and utilized by it in the transmission of natural gas and the rendering of natural gas service to the Rochester Gas and Electric Corporation;

The Commission orders that: (A) A public hearing on said application be held beginning at 9:45 a. m., February 2, 1942, in the hearing room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(B) Interested state commissions may participate in said hearing, pursuant to Section 67.4 of the Commission's Provisional Rules of Practice and Regulations Under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-709; Filed, January 26, 1942;  
10:18 a. m.]

[Docket No. G-217]

PUBLIC SERVICE COMMISSION OF INDIANA V.  
PANHANDLE EASTERN PIPE LINE COMPANY,  
MICHIGAN GAS TRANSMISSION  
CORPORATION, AND NORTHERN INDIANA  
PUBLIC SERVICE COMPANY

#### ORDER POSTPONING HEARING

JANUARY 23, 1942.

It appearing to the Commission that: (a) On January 22, 1942, counsel for the Panhandle Eastern Pipe Line Company filed an application requesting that the hearing heretofore ordered to be held in this matter commencing on January 26, 1942, at 9:45 a. m., in Room 353, Federal Building at Fort Wayne, Indiana, be postponed to a later date;

(b) Good cause has been shown for the postponement of such hearing;

The Commission orders that: The hearing in this proceeding be and it is hereby postponed to February 12, 1942, at the same hour and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-710; Filed, January 26, 1942;  
10:18 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-275]

IN THE MATTER OF CHARTERED INVESTORS,  
INC.

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of that Act;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules and Regulations of the Commission thereunder be held on January 30, 1942, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any

other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-707; Filed, January 24, 1942;  
11:28 a. m.]

[File No. 70-418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY, KENTUCKY POWER & LIGHT COMPANY, THE MIDDLE WEST CORPORATION, AND UNITED PUBLIC SERVICE CORPORATION

#### ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of January, A. D. 1942.

United Public Service Corporation having filed an amendment requesting a supplemental order of the Commission which will (a) permit payment by United Public Service Corporation to its stockholders, according to their respective rights, of a liquidating dividend in the aggregate amount of \$1,223,380 and (b) permit the reduction of the par value of its outstanding stock from \$1 to 25c per share and the reduction of the capital stock and also the capital of the corporation to \$76,498.50;

Public notice and opportunity for hearing with respect to said transactions having been duly given; a hearing having been held with respect thereto and the Commission having this day made and filed its Findings and Opinion herein;

It is therefore ordered, That such transactions are approved as part of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935;

It is further ordered, That sale or distribution of the remaining assets of United Public Service Corporation shall not be made except upon order of the Commission as to which matters the Commission reserves complete jurisdiction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-706; Filed, January 24, 1942;  
11:28 a. m.]

[File No. 70-487]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than Febru-

ary 7, 1942 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company, a registered holding company under the Public Utility Holding Company Act of 1935, proposes to sell to certain investment dealers for distribution to the public up to and not exceeding 2,695,000 shares of the Common Stock, without par value, of its subsidiary company, Union Electric Company of Missouri, such maximum number of shares being the entire interest owned by the parent company in the subsidiary company and being all of the issued and outstanding common stock of the subsidiary company. Union Electric Company of Missouri has outstanding \$80,000,000 of First Mortgage and Collateral Trust Bonds, 3 1/8% Series due 1971, and 130,000 shares of \$5 Preferred Stock, and 150,000 shares of Preferred Stock, \$4.50 Series.

The declaration states that Union Electric Company of Missouri will file in the near future a Registration Statement under the Securities Act of 1933 with respect to the proposed sale of its Common Stock and that there will be no commitment to The North American Company to purchase all or any specified portion of the shares of Common Stock, the obligation of the investment dealers to purchase such shares being limited to shares sold by them. The agreement to be entered into by and between The North American Company and the investment dealers will provide, among other things, that a Selling Group will be formed, the Selling Group will be managed by Dillon, Read & Co. and may include any or all of the investment dealers; that the period during which the agreement is to be operative may be terminated at any time or suspended from time to time by The North American Company in its sole discretion; and that The North American Company will have the right from time to time in its discretion to change the public offering price.

The initial public offering price of the Common Stock to be sold and the period during which the agreement above referred to will be operative have not been supplied and such information, among other things, will be supplied by amendment to the declaration.

The net proceeds from the sale of the Common Stock will be applied by The North American Company, from time to time, to the retirement of its presently outstanding Debentures in the following amounts and order: (1) \$4,813,000 principal amount of 4% Series due 1959, at 103.25, the present redemption price; (2) \$24,813,000 of 3 3/4% Series due 1954 at 102.25; and (3) \$19,850,000 of 3 1/2% Series due 1949 at 102.25. Any net proceeds received after the above mentioned debentures have been retired will be held or used by The North American Company for its general corporate purposes. Such use of the net proceeds from the proposed sale of the Common Stock, it is stated, is in furtherance of a retirement program already adopted by The North American Company.

The North American Company requested that the Commission, by order, permit the declaration to become effective prior to February 16, 1942 and that the Commission find that the proposed sale of the Common Stock is exempt from the competitive bidding requirement of Rule U-50 under said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-722; Filed, January 26, 1942;  
11:49 a. m.]

[File Nos. 70-463, 70-486]

IN THE MATTERS OF NY PA NJ UTILITIES  
COMPANY AND ASSOCIATED ELECTRIC  
COMPANY

NOTICE REGARDING FILING AND ORDER OF  
CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1942.

Notice is hereby given that a declaration has been filed by Associated Electric Company with this Commission.

All interested persons are referred to said declaration, which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to reacquire \$3,015,000 principal amount of its 4 1/2% Gold Bonds, Refunding Series, due 1956, from NY PA NJ Utilities Company, and to deliver and exchange therefor \$1,356,700 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, presently owned by NY PA NJ Utilities Company, together with \$50 in cash, representing an adjustment to the next lowest issuable denomination of said bonds, with a net cash adjustment with respect to the accrued interest on the respective securities to the date of closing.

Notice is further given that NY PA NJ Utilities Company has filed an amendment to its application and declaration with this Commission. Certain transactions covered by the application and declaration have been disposed of, pursuant to an order of the Commission,

dated December 30, 1941. The present amendment covers other phases of the plan originally proposed by NY PA NJ Utilities Company.

Such amendment is on file in the office of the Commission and all interested persons are referred to such amendment to the declaration and application for a statement of the transactions therein proposed at the present time, which are summarized below:

As part of the plan heretofore described in the Commission's findings and opinion attached to the order dated December 30, 1941, NY PA NJ Utilities Company, a registered holding company and subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, now proposes to transfer and deliver \$3,015,000 principal amount of Associated Electric Company 4 1/2% Gold Bonds, Refunding Series, due 1956, now owned by it, to Associated Electric Company in exchange for \$1,356,700 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, together with \$50 in cash, and with a cash adjustment for accrued interest credited to the respective transferrers to the date of exchange.

The Commission, having determined that such matters as are contained in the amendment to the application and declaration of NY PA NJ Utilities Company and in the declaration of Associated Electric Company, are inter-related and can most adequately be treated by consolidating the same;

*It is therefore ordered*, That the above-entitled proceedings, namely, In the Matter of NY PA NJ Utilities Company, File No. 70-463 and In the Matter of Associated Electric Company, File No. 70-486, be and the same hereby are consolidated.

Notice is given that any interested persons may, not later than February 7, 1942, at 1:15 P. M., E. S. T., request the Commission, in writing, that a hearing be held on such consolidated matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application of NY PA NJ Utilities Company, as amended, may become effective or may be granted, to the extent of the transactions included in such amendment, and such declaration of Associated Electric Company may become effective as filed or as amended, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to the Public Utility Holding Company Act of 1935, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100, thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-723; Filed, January 26, 1942;  
11:49 a. m.]

[File No. 68-6]

IN THE MATTER OF LEE S. BUCKINGHAM,  
FRANK GINSBERG AND STANLEY STANGER  
(SUCCEEDING LEE S. BUCKINGHAM,  
WILLIAM J. HUDSON, THOMAS KEOGH AND  
STANLEY STANGER) PROPOSED BOND-  
HOLDERS' PROTECTIVE COMMITTEE FOR  
FIRST LIEN AND GENERAL MORTGAGE  
BONDS OF WASHINGTON GAS AND ELEC-  
TRIC COMPANY

ORDER AMENDING DECLARATION AND PER-  
MITTING IT TO BECOME EFFECTIVE

At a regular session of the Securities  
and Exchange Commission, held at its

office in the City of Washington, D. C.,  
on the 23d day of January 1942.

A declaration and amendments thereto  
having been filed by the above named  
parties pursuant to Rule U-62 adopted  
pursuant to the Public Utility Holding  
Company Act of 1935 with respect to the  
solicitation of authorizations to represent  
the holders of the First Lien and General  
Mortgage Bonds of Washington Gas and  
Electric Company in proceedings pur-  
suant to Chapter X of the Bankruptcy  
Act and before this Commission; and

Public hearing having been duly held  
after appropriate notice; and

The Commission having considered the  
record in this matter and having made  
and filed its findings and opinion herein;

*It is ordered*, That said declaration as  
amended be and it hereby is permitted to  
become effective forthwith, subject, how-  
ever, to the terms and conditions pre-  
scribed in Rule U-24.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary*.

[F. R. Doc. 42-724; Filed, January 26, 1942;  
11:49 a. m.]

